



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 13243 OF 2023
IN SA/685/2019**

Sunil Changdeo Nirmal

.. Applicant

Versus

Mohammad Ali Akbar Patel

(Dead) through his L.Rs.

Sahida Mohammad Ali Patel and others

.. Respondents

Mr. Saurabh Avhad, Advocate h/f Mr. Sandip Gorde Patil, Advocate for the Applicant.

Mr. V. S. Bedre, Advocate for Respondent.

CORAM : R. M. JOSHI, J.

DATE : 24th JANUARY, 2024.

PER COURT :-

. This application is for condonation of delay and to bring legal representatives of deceased sole respondent on record. The applicant/appellant claims that, the sole respondent died on 27.09.2020. It is claimed that the certificate from the Municipal Corporation, Ahmednagar was received on 13.09.2023.

2. The learned counsel for the applicant submits that, for this reason the application could not be filed in time.

3. The learned counsel for legal representatives of deceased

respondent opposes the application.

4. Perusal of the record indicates that the applicant came to know about death of sole respondent after receipt of death certificate on 13.09.2023. There is nothing on record to indicate that the applicant had knowledge about death of deceased respondent prior to 13.09.2023 and having regard to this fact, the application deserves to be allowed.

5. The application is allowed in terms of prayer clause (B). Amendment be carried out within a period of two (02) weeks from today.

6. The civil application is disposed of.

(R. M. JOSHI, J.)

PS.B.