



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

**32 WRIT PETITION NO. 10061 OF 2018
SATYAWAN SARJERAO UKIRDE
VERSUS
DEEPAK RADHESHYAM ZUNZUNWALA**

...

Advocate for the Petitioner : Ms. Langhe Pooja V.
Advocate for Respondent No.1 : Mr. L. D. Vakil

...

**WITH
CIVIL APPLICATION NO. 14758 OF 2023
IN WP/10061/2018**

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 29th JANUARY, 2024

PER COURT:

1. Civil Application No.14758 of 2023 is filed for bringing the legal heirs of the sole petitioner on record along with condonation of delay of 431 days. The applicants no.2 and 4 are the married daughters and applicant no.1 is the widow. The ground made out in the application for condonation of delay that during the pendency of the proceedings there was no communication between the applicants and the advocate and, as such, the application for condonation of delay could not be filed. It is further submitted that the suit property is an ancestral property and the valuable rights would be lost in the event the delay is not condoned in filing the application to bring the legal heirs on record.

2. Per contra, the learned counsel appearing for the respondent submits that the applicant no.1 in the suit was the guardian of the

defendant no.2 i.e. the respondent no.2 herein and, as such, the applicants were aware of the proceedings and the application for bring the legal heirs on record along with delay may not be allowed.

3. As the learned counsel submits that the applicants and the daughters, who are married and that they had no communication with the learned advocate for the petitioner, the same is accepted.

4. Since the substantial rights of the applicants would be lost, the application for bringing the legal heirs on record is allowed. The delay of 431 days is condoned and the civil application stands disposed of. The amendment to be carried out within a period of two (02) weeks from today.

5. The objection of the learned counsel for the respondent that the applicant no. 3 cannot be permitted to resist the decree is kept open to be decided in the final hearing.

6. Stand over to 11.03.2024.

7. Interim relief, if any, to continue till then.

[ARUN R. PEDNEKER, J.]