

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

**913 CIVIL APPLICATION NO. 14603 OF 2023
IN CRA/243/2017**

WITH

**CIVIL APPLICATION NO. 14604 OF 2023
IN CRA/243/2017**

WITH

**CIVIL APPLICATION NO. 5934 OF 2020
IN CRA/243/2017**

WITH

**CIVIL APPLICATION NO. 14606 OF 2023
IN CRA/243/2017**

M Jagdish M Gopal Malbari And Another
....Applicants

VERSUS

Sameermal Amlokchand Kucheria (deceased) Thr. Lrs.
Prakashchand Sameermal Kucheria And Others
.....Respondent

.....

Advocate for Applicants : Mr. Mukul Kulkarni H/F
Mr. Paranjape Prakash S
Advocate for Respondent : Mr. Y. G. Gujarathi

...

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 03rd April 2024**

ORDER:-

IN CIVIL APPLICATION NO. 14604/ 2023

1. Heard rival submissions.
2. The applicants are seeking permission to bring on record legal representatives of deceased respondent No.3 Shantilal Jethmal Chavan, who admittedly died on 3.4.2019, by

condoning the delay of 1618 days.

3. The learned counsel for respondent No. 1 and 2 strongly opposed the application on the ground that the delay is inordinate and the addresses of legal representatives of respondent No.3 are false.

4. However, considering the right to sue, the application stands allowed in terms of prayer clause (A) (i) to (iv) subject to cost of Rs. 2500/- (Rs. Two Thousand Five Hundred) to be paid to respondent Nos. 1 and 2 within the period of two weeks.

5. Amendment be carried out within stipulated period and after depositing of cost.

6. Civil Application stands disposed of.

IN CIVIL APPLICATION NO. 14606 OF 2023

1. Heard rival submissions.

2. The applicants are seeking permission to bring on record legal representatives of deceased respondent No.7 Ravindra Gopal Malbari, who admittedly died on 28/03/2016 by condoning the delay of 2719 days.

3. The learned counsel for respondent No. 1 and 2 strongly opposed the application on the ground that the delay is inordinate.

4. However, considering the right to sue, the application stands allowed in terms of prayer clause (A) (i) to (iv) subject to

cost of Rs. 4000/- (Rupees Four Thousand) to be paid to respondent Nos. 1 and 2 within the period of two weeks.

5. Amendment be carried out within stipulated period and after depositing of cost.

6. Civil Application stands disposed of.

7. List the Civil Application No. 14603 of 2023 on 17.04.2024

8. Interim relief, if any, to continue till the next date of hearing.

(SANDIPKUMAR C. MORE, J.)

Y.S.Kulkarni