



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

**CIVIL APPLICATION NO. 1086 OF 2024
IN SA/346/2011**

Sitaram Raghunath Bendre

Died through L.Rs.

Kantabai Sitaram Bendre and others

.. Applicants

Versus

Ramesh Nanasaheb Warule and others

.. Respondents

Mr. Rahul R. Karpe, Advocate for the Applicants.

Mr. S. M. Patil, Advocate h/f Mrs. C. S. Deshmukh, Advocate for
Respondent Nos. 1 and 2.

CORAM : R. M. JOSHI, J.

DATE : 24th JANUARY, 2024.

PER COURT :-

. This application is for condonation of delay of 1600 days caused
in bringing legal representatives of deceased appellant No. 1 on record.

It is the contention of the applicants that, due to their age and medical
problems no proper attention could be given to the present proceeding.

2. The learned counsel for the applicants submits that, the appeal is
admitted and no prejudice will cause to other side if the legal
representatives of one of the appellants are brought on record.

3. The learned counsel for the respondents opposes the application

by contending that no sufficient ground is made out for condonation of delay.

4. The appeal is admitted. There are other appellants to prosecute the appeal, as such, no prejudice would cause to the appellants if the legal representatives of appellant No. 1 are brought on record.

5. This Court finds that, no attributable malafides are there against bringing legal representatives of appellant No. 1 on record. The application stands allowed in terms of prayer clauses (B) and (C). Amendment be carried out before the next date of hearing.

6. The second appeal be placed for hearing on 21.02.2024.

7. The present civil application is disposed of.

(R. M. JOSHI, J.)

PS.B.