



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.324 OF 2015
IN
WRIT PETITION NO.187 OF 1993
WITH
WRIT PETITION NO.187 OF 1993

Subrao Kushhappa Shivgaon and Ors. ... Applicants.
Versus
Joty Kushappa Shivgaon and Anr. ... Respondents.

Mr. Sarvesh Gawade i/by Mr. Sandip Ghogare for Applicants/Petitioners.
Mr. Vinayak Kumbhar i/by Mr. N.V. Bandiwadekar, Senior Advocate for
Respondent No.1.
Mr. S.D. Rayrikar, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.
Date : October 14, 2024

P. C. :

1. Civil Application has been preferred for bringing on record the legal heirs of the deceased Respondent No.1. Mr.Kumbhar, learned counsel appears for the proposed-Respondents.
2. Learned counsel for the Applicants submits that after filing of the said Petition, the Respondent No.1 expired on 22nd September, 1991 about which the information was given to the previous Advocate however, inadvertently no Application was filed to bring on record the legal heirs of deceased-Respondent No.1 and thus, there is delay.

3. Learned counsel for the proposed-Respondents submits that there is no sufficient explanation given for the condonation of delay.
4. Considering that the delay in question is on account of default on the part of the earlier Advocate though informed about the death of the Respondent No.1, litigant should not be made to suffer. As such, the delay is condoned and the abatement is set aside. Civil Application stands allowed. Amendment to be carried out without a period of four weeks.
5. List the Petition on final hearing board of **21st November, 2024.**

[Sharmila U. Deshmukh, J.]