



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO. 10394 OF 2023
IN SA/294/1995
WITH
SECOND APPEAL NO. 294 OF 1995
WITH
CIVIL APPLICATION NO. 2912 OF 2025
IN SA/294/1995

MAHADEO HARIBHAU TAYADE L.RS. KAMALBAI AND OTHERS
VERSUS
NARAYAN KADAJI TAYADE L.RS. YEMUBAI NARAYAN TAYAD AND
OTHERS

...

Advocate for Applicants : Mrs. C.S.Deshmukh.

Advocate for Respondent Nos. 2A to 2D & 2F: Mr. Sharad Shankarappa
Halkude

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 12.03.2025

PER COURT :-

ORDER ON CIVIL APPLICATION NO. 10394 OF 2023 :

1. Heard learned Advocates appearing for parties.
2. Present application is filed seeking permission to bring on record legal representatives of deceased respondent No. 2 Kundalik s/o Kadaji Tayad and a further prayer made for condonation delay of 3916 days caused in filing application.
3. Learned Advocate appearing for applicants submits that Second Appeal was admitted in the year 1995 but it was in dormant condition. When appellant No. 1 Mahadev expired, application was made for bringing his legal representatives on record. At that time, applicant informed his Advocate about death of respondent No. 2 Maruti s/o Haribhau Tayad and immediately present application has been made after getting death certificates and particulars of legal representatives. As such, delay is not intentional.
4. Learned Advocate appearing for proposed legal representatives of respondent No. 2 formerly opposed the application.

5. Looking to nature of dispute between parties and fact that suit would not abate when other defendants are already on record. There is no impediment in allowing this application. Hence Civil Application is allowed in terms of prayer Clauses (B) (C) and (D).

6. Amendment be carried out within a period of one week from today.

ORDER IN CIVIL APPLICATION NO. 2912 OF 2025 :-

7. By way of this application applicant prays for bringing on record legal representatives of respondent No. 2-E Vijay S/O Murlidhar Zine by condoning delay of 1025 days caused in filing this Civil Application.

8. Learned Advocate appearing for respondents have no objection. Hence application is allowed in terms of prayer Clause (B) (C) and (D).

9. Amendment be carried about within a period of one week from today.

10. Post Second Appeal for final hearing on 26.03.2025.

**(S. G. CHAPALGAONKAR)
JUDGE**

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