



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

**CIVIL APPLICATION NO. 7609 OF 2024
IN SA/1614/2005**

**LAXMAN TIMA DANDGULE L.RS SONABAI LAXMAN
DANDGULE AND OTHERS**

VERSUS

HARIBA GOMA PAWAR AND ORS

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Mrs. M. A. Kulkarni, Advocate for Applicants.

Mr. Ajay Shinde, Advocate for Respondent No.2.

Mr. M. A. Kandharkar, Advocate for Respondent Nos.1 and 3.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 17th JANUARY, 2025.**

P.C.:-

1. By this application, applicants seek permission to bring on record legal heirs of deceased/appellant Laxman Tima Dandgule, who expired on 02.12.2022. The death certificate is placed on record. There is delay of 476 days in filing application.
2. Mrs. Kulkarni, learned Advocate appearing for applicants submits that delay is on account of procedural reasons i.e. obtaining copy of death certificate and collecting vakalatnama etc.
3. The learned Advocate appearing for the respondents vehemently opposes application contending that inordinate delay of 476 days is not explained.
4. Having considered submissions advanced, it is apparent that there are two appellants. Appellant no.1 expired, whereas appellant no.2 still prosecuting Appeal. The appeal was not abated. It is expected that legal heirs are taken on record within limitation period. However, there appears delay, but on perusal of

reasons as stated in paragraph nos.4 and 5 of the application, it does not appear to be intentional. However, in the facts, application can be allowed by condoning delay subject to payment of certain cost.

5. In that view of the matter, application is **allowed** in terms of prayer Clauses (B) and (C) subject to condition that applicants pay cost of Rs.2000/- to the respondents. Cost to be paid within a period of six weeks.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/January-2025