



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 17124 OF 2010
WITH CIVIL APPLICATION NO. 17125 OF 2010
IN FIRST APPEAL NO. 88 OF 2001

Balu Nivrutti Pathak
(Died) Through LRs.
Sunanda Balu Pathak and Others

..APPLICANTS

VERSUS

Deepak Vishwas Kirad and Others

..RESPONDENTS

....
Mr. PS. Jadhav, Advocate h/f Mr. V.P. Latange, Advocate for applicants
Mr. M.R. Deshmukh, Advocate for respondent no.3
....

CORAM : ABHAY J. MANTRI, J.
DATE : 16th OCTOBER, 2025

PER COURT :

1. The applicants, legal heirs of the original claimant – Balu Pathak, have filed Civil Application No. 17124 of 2010 for condonation of the delay of 275 days in filing Civil Application No. 17125 of 2010 for bringing their names on record as legal heirs of deceased – Balu Pathak, to which learned counsel for the respondents opposes.
2. Heard learned counsel for both parties. Perused the application and the record.
3. Having gone through the record, it appears that in the year 2001, the original claimant, Balu Pathak, filed this appeal challenging the judgment

and order passed by the learned Tribunal. The appeal was admitted on 26th September 2001. Then, during the pendency of the appeal, on 26th August, 2009, the appellant died, and therefore, his legal heirs have filed these applications. The applicants/legal heirs were not aware of the pendency of the matter, and thus, a delay has occurred in filing the application to bring their names on record.

4. Having considered the reasons disclosed in paragraph no.2 of the applications, as well as considering the fact that in the year 2001 the appeal was filed and the same was admitted, and the facts that the appeal was filed under the beneficial legislation, I deem it appropriate to allow both the applications.

5. Consequently, both civil applications are allowed in terms of the prayer clause (B). The delay of 275 days in filing the applications to bring their names on record is condoned, and their names be taken on record as the legal heirs of the original appellant Balu Pathak. The applicants are directed to carry out the amendment in the appeal memo forthwith and supply a copy of the amended appeal memo to the other side.

(ABHAY J. MANTRI, J.)

SSD