



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

**CIVIL APPLICATION NO. 10314 OF 2024
IN CA/9168/2019**

Ramchandra Wamanrao Deshmukh

VERSUS

Prabhakar Laxman Vichave And Others

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Mr. P. N. Kutti, Advocate for Applicant

Mr. A. I. Deshmukh, Advocate for Respondent

Mr. D. B. Rode, Advocate for Respondent No.1

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 21st FEBRUARY, 2025

PER COURT :-

1. By this application, prayer is made to permit applicant to bring on record legal representatives of deceased Ganpat Natthu Patil / respondent No.2. Prayer is also made to condone the delay of 2070 days caused in filing appeal.
2. Application is contested by the respondent by filing affidavit-in-reply.
3. Learned Counsel appearing for applicant submits that the applicants had no knowledge about death of respondent No.2 and only when notice on application seeking restoration of appeal was issued, they got knowledge.

4. Learned Advocate appearing for respondent submits that parties are residing adjacent to each other and it cannot be said that the applicant had no knowledge.

5. Considering submissions advanced and reasons as stated, plausible explanation for delay is given. Respondent No.3 is already on record who is legal representative of original respondent No.2, therefore, application would not be abated.

6. In that view of the matter, there is no impediment in allowing the Civil Application by putting certain conditions. Hence following order:

ORDER

a. Civil Application is allowed in terms of prayer clause (B) and (C) subject to condition that applicant pays cost of Rs. 3,000/- to respondent within a period of four weeks from today.

b. Amendment be carried out within two weeks.

(S. G. CHAPALGAONKAR, J.)