

MHBU040002802016



Order Below Exh.8
(Passed on 30.11.2023)

1. Present application is filed by the appellants to get permission to bring on record the legal representatives of deceased respondent No.1 which are mentioned in the application.
2. Respondents have resisted the application by filing say at Exh.10. It is contended that the delay condonation application Exh.9 filed without just and proper reason and it cannot be condoned. The appellants have not brought on record the legal representative of deceased respondent No.1 within stipulated time. Therefore, appeal is automatically abated against respondent No.1. Hence, they requested to reject the application.
3. Mr. PR.Joshi advocate for appellant has submitted that due to COVID 19 pandemic situation, the appellants could not contact their advocate. Therefore, there is delay in filing the application and appellants have filed separate application. He submitted that in the interest of justice, the appellants may be permitted to bring on record the legal representative of respondent No.1.

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4. On the other hand, Mr. S.V.Agrawal advocate for the respondents has submitted that the say filed by the respondents may be considered as argument.

5. Perused the application supported by affidavit as well as reply filed by the respondents vide Exh.10. I have considered the submissions of both side. Gone through the record and proceeding.

6. The record shows that being aggrieved and dissatisfied with the judgment and decree dated 25.2.2016 passed by the Jt.Civil Judge Jr. Division Shegaon, in Reg.C.S. No.35/1992, the appellants have preferred this appeal. During pendency of appeal, respondent No.1 Nandkishor Indarmal Murarka died on 2.10.2020. The delay condonation application filed by the appellants has been allowed by this Court by passing order below Exh.9 today. Therefore, it would be just and proper to permit the appellants to bring on record the legal representative of deceased respondent No.1. Hence, application deserves to be allowed. In result, I pass following order :-

ORDER

- 1] Application Exh.8 is hereby allowed as per prayed.
- 2] Appellants shall carry out amendment in appeal memo accordingly within 14 days and to submit the copy of amended appeal memo.

Dt.30/11/2023

Sd/-
(G.B.Jadhav)
District Judge-1, Khamgaon.

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Certificate

I affirm that the contents of this P.D.F file order are same word for word as per original order.

Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.

Name of Court : District Judge – 1, Khamgaon, Dist. Buldana.