

MHLA010011852012



R.C.A. No.100261/2012

Rukminbai Hanumant Jidde

Vs.

Shiv Chatrapati Shikshan Sanstha

ORDER BELOW EXH.104.

Perused application. This application has been filed by the advocate for applicant for condonation of delay in bringing legal representatives of deceased appellant Shankar s/o. Hanmantrao Jidde. According to him, the original appellant Rukminibai Hanmant Jidde died on 21.01.2017. Her son Shankar s/o. Hanmantrao Jidde died on 15.05.2008. After death of Rukminibai the legal representatives of deceased Shankar and her sons and daughters were brought on record as legal representatives. However, the present applicant Savita Santosh Bhale was intentionally avoided to be brought on record as legal representative of deceased Shankar Hanmantrao Jidde, though she is his daughter. Being a legal representative of deceased Shankar Jidde, she is a necessary party. Her valuable rights in the suit property are involved. She did not have knowledge about pendency about this appeal. On 08.07.2026 she came to know about pendency of this appeal and accordingly she filed present application. She prayed that, her application be allowed.

2. The advocate for appellants filed his no objection to this application. However, it is submitted by advocate for respondents that, this application filed at belated stage just to prolong the appeal. Hence, it is submitted that, necessary order be passed.

3. Heard both sides. Perused the record. There is no dispute

about the fact that, the applicant Savita Santosh Bhale is a daughter of deceased appellant Shankar Jidde. Hence, the applicant is a proper party and for valuable rights involved in this appeal. For the said reasons she has every right to be party in the proceeding and have the opportunity to contest the appeal.

4. The record shows that, legal representatives of deceased Rukiminibai were permitted to come on record. This means that, the delay, if any, in bringing them on record has been condoned and the abatement caused because of death of Rukminibai has already been set aside. Deceased Shankar expired prior to the death of Rukminibai. Hence, there is no question any abatement caused because of death of Shankar.

5. The status of applicant at present in this appeal is that of a third party or an intervener. According to applicant she got knowledge about this appeal on 08.07.2026. There is no dispute about this fact. Hence, from the date of knowledge, this application preferred by her is within reasonable time. She is not required to pray for condonation of delay for not being brought on record by the appellants. Hence, in my considered opinion, this application is not required and same is required to be filed. I therefore pass the following order :

ORDER

This application is filed.

Date : 14/08/2026.

(R. B. Bhagwat)
District Judge-2,
Latur.