

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

**Civil Application No. 5096 of 2011
In
Second Appeal Stamp No.641 of 2011
With
Civil Application No.5105 of 2011**

Tripati s/o Deorao Adav
And Others.

.. Applicants.

Versus

Sambhji s/o Raghoji Adav
And Others.

.. Respondents.

Shri. A.S. Golegaonkar, Advocate, for applicants.

Shri. N.B. Jadhav, Advocate, for respondent Nos.2,3,6 to
9, 11 to 13.

CORAM: T.V. NALAWADE, J.

DATE : 2nd SEPTEMBER 2015

ORDER:

1) The application is filed for condonation of delay of 215 days caused in filing second appeal. Heard both the sides.

2) It appears that respondent No.1 died and in the past application was filed for bringing his legal representatives on the record but that application was

dismissed as steps were not taken. As per the record, there is already legal representative of respondent No.1 on the record, who is respondent No.8. The suit was filed for relief of injunction and declaration. In view of the reliefs claimed and the contentions made, the cause of action survives and as there is somebody to represent the respondent No.1, the application is allowed. Delay is condoned.

3) Notice in second appeal and Civil Application No.5105 of 2011. Learned counsel Shri. Jadhav waives notice for respondent Nos.2,3,6 to 9, 11 to 13. Notice to respondent Nos.4,5 and 10 made returnable on 16th October 2015. Call record and proceedings from the trial Court and the copy of paper book from the First Appellate Court.

Sd/-
(T.V. NALAWADE, J.)

rs1