

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

CIVIL APPLICATION NO.3733 OF 2015 IN
WRIT PETITION NO.3020 OF 1989

Sojabai Bomtu Patil
(died, through her L.Rs.)
Rajaram Bomtu Patil
and ors.

..Applicants

Versus

Chatarsing Ghanshyam Pardeshi
(died, through his L.Rs.)
Dhansing and ors.

..Respondents

Mr V.B. Patil, Advocate for applicants
Mrs Rashmi S. Kulkarni, Advocate h/f Mr S.S. Kulkarni, Advocate for
respondents 1 to 5

CORAM : N.W. SAMBRE, J.

DATE : 31st March 2015

PER COURT

1. Leave to amend the prayer clause of civil application.
Amendment be carried out forthwith.
2. The prayer for bringing legal representatives of petitioner Nos.1, 2 and 6 is objected by the learned Counsel for respondents/non-applicants on the ground that in the suit, the legal representatives were already brought on record in 2012 and that fact was within the knowledge of the present petitioners.
3. Though the objection appears to be germane to the cause, however, in view of the order dated 28th November 2011 passed by this Court in Civil Application No.7022 of 2014 restoring the petition to the file on payment of costs of Rs.1,750/-, which is already permitted

to be withdrawn by the respondents and for the reasons in the application and in the interest of justice, the delay caused in moving such application is condoned subject to payment of costs of Rs.5,000/-, to be paid to the respondents within a period of four weeks from today. Payment of costs shall be condition precedent. Upon production of receipt of payment of costs in the Registry, the Registry shall permit the petitioners to carry out appropriate amendment as prayed in prayer clause (B) and (C) of the application.

4. Civil Application is allowed in above terms.

(N.W. SAMBRE, J.)

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