

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1898 OF 2010
IN
SECOND APPEAL NO.280 OF 2004

VIJAY MADHAVRAO NAIK AND OTHERS

APPLICANTS

VERSUS

KASHIBA S/O GANGARAM DHANGAR, DIED,
THROUGH LR'S AND OTHERS

RESPONDENTS

Mr.S.V.Natu, Advocate for the applicants.

Mr.A.S.Shelke, Advocate for respondent Nos.1/1 to 1/10.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 23/04/2015

PER COURT :

1. Leave to add LR's of deceased non applicant no.1 Kashiba Gangaram. Addition be carried out within 1 (one) week. Mr.Shelke, learned Advocate waives service for the added legal representatives of respondent No.1.

2. This civil application was filed in the light of the order passed by the Additional Registrar dated 05/01/2009 concluding that respondent No.4 had passed away. Mr.Natu, therefore, submits that since respondent No.4 is alive, the order passed by this Court dated 05/01/2009, dismissing the second appeal as against respondent

No.4, deserves to be recalled.

3. Mr.Shelke, learned Advocate appearing on behalf of the added LR's of respondent No.1 confirms that respondent No.4 namely Subhash Govindrao Naik is alive. He, therefore, does not oppose this application. In the light of the above, this application is allowed. Order dated 05/01/2009 passed by this Court is recalled and the second appeals are restored as against Subhash Govindrao Naik.

(RAVINDRA V. GHUGE, J.)