

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2860 OF 2012
IN SA/373/1994

DNYANOBA PANDURANG BINWADE DIED THRU LRS AND ORS
VERSUS
PRATAP SOPAN DHANWE DIED THRU LRS AND ORS

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Advocate for Applicants : Smt. Sangole V.H. h/f Smt. Kulkarni M.A.
Advocate for Respondents 1A to 1C : Shri Godhamgaonkar P.G.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 16, 2015
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PER COURT :-

1. Second Appeal No.373 of 1994 has been admitted by order dated 2.12.1994 and ground Nos. (ii) to (x) have been taken as substantial questions of law.
2. The sole appellant has passed away.
3. Delay of 305 days is caused in filing this Civil Application for bringing the applicants on record, in their capacity as the legal representatives of the deceased appellant. It is submitted that the reasons on account of which the delay was caused are set out in the Civil Application.
4. Shri Godhamgaonkar, learned Advocate has appeared for respondents. He has opposed the application for the reason that the explanation justifying the delay caused is not satisfactory. The respondents are being unduly made to suffer the rigors of litigation. He, therefore, prays for rejection of this application.
5. Since the Second Appeal has been admitted and can be taken up for final hearing, as it has been instituted in 1994, I am allowing this Civil Application. Delay of 305 days is condoned, subject to costs of Rs.3,000/-, to be deposited by the applicants, within a period of three weeks in this

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Court. Respondents 1A to 1C are permitted to withdraw the said amount. Upon depositing costs, the applicants be brought on record in the Second Appeal within a period of two weeks, pursuant thereto.

6. In the event, the above directions are not complied with, this order shall stand recalled and the Civil Application shall stand rejected.

(RAVINDRA V. GHUGE, J.)

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