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

CIVIL APPLICATION NO. 2399 OF 2009
IN SA/107/1988

SOPAN NARSINGA GAIKWAD AND ORS
-versus-
GYANOBA BHIMRAO SHINDE AND OTHERS.

...

Advocate for Applicants : Mr.H.B.Nandgavale h/f Mr.V.G.Sakolkar.

Advocate for Respondents : Mr.Patil Indrale Anand V. for R/1.
Mr.S.V.Dankh, for R/2 and R/3.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th April, 2015

Per Court:

1 Second Appeal No.107/1988, which was admitted by this Court by order dated 27.04.1988 and ground Nos.II, VII, IX and XIII were treated as substantial questions of law, was dismissed in default by this Court by order dated 07.07.2008.

2 By this Civil Application, the Applicants/ original Appellants pray for condonation of 194 days' delay caused in filing this application.

3 It is stated that the reasons explaining the delay are set out in

the application.

4 Mr.Indrale Patil, learned Advocate representing the legal heirs of the Respondent No.1 along with Mr.Dankh, learned Advocate for the Respondent Nos.2 and 3, have opposed the application on the ground that the reasons cited are not satisfactory. Alternatively, they pray for costs.

5 In the light of the above and for the reasons stated in the Civil Application, the same is allowed. The delay is condoned, subject to the costs of Rs.1000/- (Rupees One Thousand).

6 Both the learned Advocates appearing for the Respondents graciously submit that the said amount be donated to the Advocate Association's Bar Library, High Court, Aurangabad.

7 As such, the costs shall be deposited by the Applicants with the Advocate Association's Bar Library, High Court, Aurangabad within a period of FOUR WEEKS from today. The order dated 07.07.2008 stands recalled and the Second Appeal stands restored to the file at the stage at which it was dismissed.

8 In the event of non compliance of this order, the same shall

stand recalled, the Civil Application shall stand rejected and the order dated 07.07.2008 shall stand restored.

(RAVINDRA V. GHUGE, J.)

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

CIVIL APPLICATION NO.10206 OF 2012
IN SA/107/1988

GYANOBA BHIMRAO SHINDE AND OTHERS.

-versus-

SOPAN NARSINGA GAIKWAD AND ORS

...

Advocate for Applicants : Mr.Anand V. Patil (Indrale).

Advocate for Respondents : Mr.H.B.Nandgavale h/f Mr.V.G.Sakolkar for
R/1 and R/2.

Mr.S.V.Dankh for R/3 and R/4.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th April, 2015

Per Court:

1 The Applicant is the legal heir of the deceased Respondent No.1. Despite the Respondent No.1 having passed away, the Appellants have not taken steps. Therefore, the Applicant himself seeks to be brought on record in the Second Appeal as the legal heir of the deceased Respondent No.1. The delay of 467 days is caused in filing this Civil Application.

2 The learned Advocate appearing for Respondent Nos.1 and 2,

who are original Appellants, submits that in the event the Respondent No.1 has passed away, which is not within their knowledge, they have no objection for allowing this Civil Application.

3 Mr.Dankh, learned Advocate for the Respondent Nos.3 and 4, also has no objection.

4 In the light of the above, the Civil Application is allowed. The delay is condoned without imposing costs. The Appellants shall bring the legal heirs (Applicants herein) of the deceased Respondent No.1 on record within a period of TWO WEEKS from today.

(RAVINDRA V. GHUGE, J.)