

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

..CIVIL APPLICATION NO. 3069 OF 2008..
WITH
CIVIL APPLICATION NO. 3070 OF 2008
AND
CIVIL APPLICATION NO. 3071 OF 2008
IN
SECOND APPEAL NO. 467 OF 1993

MOHANLAL BANSILAL SONI THR L.RS.
VERSUS
SITRAM DAJI RANKHAMBE (DIED) THR L.RS.

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Advocate for Applicant : Shri Kothari P.P. h/f Shri S.S.Bora
Advocate for Respondents 1A to 1F, 2B to 2F, 3 & 5 : Shri V.C.Solshe

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

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PER COURT :-

1. Notice was issued to the legal representatives of the deceased respondent Nos.4, 1 and 2, respectively by order dated 14.3.2008. They are served. Office note indicates that the Civil Applications are ready for hearing.
2. The applicants pray for condonation of delay, caused in filing of these three Civil Applications. They further pray for permission to bring the legal representatives of respondent Nos.4, 1 and 2 on record. Circumstances, which caused the delay, are explained in the Civil Applications.
3. Shri Solshe, learned Advocate representing those respondents for whom he has caused an appearance, opposes the application on the grounds that the delay is not properly explained and the respondents are made to suffer rigors of litigation.
4. Since the Second Appeal has been admitted on 15.7.1993 and substantial questions of law have been framed, I find that these three Civil Applications deserve to be allowed.

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5. In the light of the submissions of the learned Advocates and the reasons set out in the Civil Applications, the same are allowed.

6. So far Civil Application No.3069 of 2008 is concerned, names of the applicants, in the light of the order passed today on Civil Application No. 5253 of 2011, be added forthwith. Delay of 2770 days caused in Civil Application No.3069 of 2008 is condoned, without imposing costs as the L.Rs. of deceased respondent No.4 are already on record and as such, they be taken as the L.Rs. of the deceased respondent No.4.

7. In so far as Civil Application No.3070 of 2008 is concerned, the legal heirs of the deceased respondent No.1 be added in the cause title forthwith in the light of the order passed in Civil Application No.5253 of 2011. Addition be carried out forthwith. Delay of 5776 days is condoned, subject to costs of Rs.1000/- to be deposited in this Court, within a period of three weeks. The respondents represented by Shri Solshe shall withdraw the costs. On depositing the costs, the L.Rs. of respondent No.1 be brought on record in the Second Appeal.

8. In so far as Civil Application No.3071 of 2008 is concerned, the L.Rs. of the deceased respondent No.2 be brought on record in the light of the order passed today in Civil Application No.5253 of 2011. Addition be carried out forthwith. Delay of 699 days is condoned, subject to costs of Rs.1000/- to be deposited in this Court, within a period of three weeks. The respondents represented by Shri Solshe shall withdraw the costs. On depositing the costs, the L.Rs. of respondent No.2 be brought on record in the Second Appeal.

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9. In the event, the above directions are not complied with, this order shall stand recalled and the order of the Registrar (Judicial), subject matter of this Civil Application, shall stand restored.

(RAVINDRA V. GHUGE, J.)

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