

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3022 OF 2013
IN SA/480/2007

DEVRAO YADAVRAO POUL DIED LRS SUBHASH AND OTHERS
VERSUS
VIJAYKUMAR BHAGWANRAO DHOIPHODE

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Advocate for Applicants : Shri B.S.Kudale
Advocate for Respondent : Shri Raghavendra Bhise h/f Shri S.V. Natu

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 20, 2015

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PER COURT :-

1. The Second Appeal has been admitted by order dated 12.6.2008, by framing a substantial question of law.
2. Sole appellant has passed away. Second Appeal stood abated.
3. This application for restoration and bringing L.Rs. on record suffers from delay of 861 days.
4. Learned Advocate for the respondent opposes the application on the ground that the applicants have been negligent and the reasons cited are neither satisfactory nor do they support the prayers made in the application.
4. The delay has been properly explained in the civil application. It is not intentional one. There are no laches on the part of applicants.
5. Taking into account the circumstances as noted above, this Civil Application is allowed. Delay stands condoned, subject to applicant's depositing costs of Rs. 1500 /-, within six weeks from today. Order of abatement is set aside. After depositing the costs, the applicants shall be brought on record in the Second Appeal within two weeks. The respondent is at liberty to withdraw the said amount.

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6. Needless to state, in the event of non-compliance, this order shall stand recalled and the Civil Application shall stand rejected.

(RAVINDRA V. GHUGE, J.)

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