

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5253 OF 2011
IN SA/467/1993

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

...
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

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

PER COURT :-

1. The Second Appeal has been admitted by order dated 16.12.1993 and Ground Nos. iii, v, vii and x are recorded as substantial questions of law.
2. The sole appellant has passed away. 796 days' delay is caused in filing this application seeking condonation, setting aside of the abatement order, restoration of the Second Appeal and for bringing the applicants on record as the legal representatives of the deceased appellant. All the respondents are served. Shri Solshe, learned Advocate on behalf of his clients has opposed the application on the ground that the delay is inordinate and is not properly explained.
3. Considering the submissions of the learned Advocates and the explanation put forth in the Civil Application, the same is allowed. Delay of 796 days is condoned, subject to costs of Rs.2000/- to be deposited in this Court, within a period of four weeks from today. The respondents, represented by Advocate Solshe, are at liberty to withdraw the said amount. I am depriving costs to the other respondents, since they have not caused an appearance.
4. On depositing the costs, the abatement order stands recalled and the applicants be brought on record within a period of two weeks thereafter.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2
CIVIL APPLICATION NO. 5253 OF 2011

Second Appeal shall, therefore, be restored, at the same stage at which it stood.

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

(RAVINDRA V. GHUGE, J.)

...