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

CIVIL APPLICATION NO. 2523 OF 2014
IN SA/705/1999

RAMDAS GUNDERAO GHUGE AND OTHERS
VERSUS
BHANUDAS GUNDERAO GHUGE LRS GODAVARI AND OTHERS

...

Advocate for Applicants : Mr.Barde Parag Vijay

Advocate for Respondent Nos.5A to 5D : Mr.V.C.Patil h/f Mr.U.B.Bondar.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 24th April, 2015

Per Court:

1 By this Civil Application, the Applicants pray for condonation of delay of 498 days caused in preferring this application for seeking permission to bring the legal heirs of the deceased Respondent No.5 (Laxmibai Dinkar Ghuge) on record.

2 Mr.Barde, learned Advocate for the Applicants, contends that though the delay appears on record, in fact there would not be any delay as they received the intimation of the passing away of Respondent No.5 under Order 22 Rule 10A of the Code of Civil Procedure on 22.02.2014. Thereafter, within 15 days this Civil Application has been filed on

18.03.2014. The reasons supporting the prayers are set out in the application.

3 Learned Advocate for Respondent Nos.5A to 5D, opposes the application and prays that it be dismissed in the light of the Civil Application No.2250/2014 filed by these Respondents for abatement in view of the demise of Respondent No.5.

4 In the light of the above and for the reasons stated in the Civil Application, the same is allowed. Delay of 498 days is condoned without imposing costs in the light of the reasons/explanation put forth by Mr.Barde.

5 The legal heirs of the deceased Respondent No.5 be brought on record in Second Appeal No.705/1999 on or before 08.05.2015.

(RAVINDRA V. GHUGE, J.)

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

**CIVIL APPLICATION NO.2250/2014
IN SA/705/1999**

**RAMESH RAMCHANDRA MUKKAWAR
VERSUS
BHANUDAS GUNDERAO GHUGE LRS GODAVARI AND OTHERS**

...

Advocate for Applicants : Mr.V.C.Patil h/f Mr.U.B.Bondar

Advocate for Respondent Nos.4 to 6 : Mr.Parag V. Barde.

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**CORAM: RAVINDRA V. GHUGE, J.
DATE :- 24th April, 2015**

Per Court:

1 By this Civil Application, the Applicant (Ramesh Mukkawar) has brought it to the notice of the original Appellants under Order 22 Rule 10A of the Code of Civil Procedure that Respondent No.5 in the Second Appeal, namely, Laxmibai Ghuge has passed away. It is, therefore, prayed that the Second Appeal be abated as against the deceased Respondent No.5.

2 In the light of the order passed today in Civil Application No.2523/2014, this Civil Application is rejected.

(RAVINDRA V. GHUGE, J.)