

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

**CIVIL APPLICATION NO. 5742 OF 2007
IN SAST/4641/2007 WITH CA/5741/2007 IN SAST/4641/2007**

**SARUBAI MARUTI BARAJDAR AND ORS
VERSUS
LOCHANBAI BAPURAO PATIL AND ORS**

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Advocate for Applicants : Smt. Anjali Dube

**Advocate for Respondents : Shri R K Ashtekar For R-2.
R/1 Abated**

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**CORAM : T.V.NALAWADE,J.
DATED : 20TH AUGUST, 2015**

ORDER :-

The application is filed for condonation of delay of (109) days caused in filing Second Appeal. Other side is served. Though respondent no.1 is dead and matter is abated as against respondent no.1, respondent no.2 who is legal representative of respondent no.1 is there on record. In view of nature of issues, cause of action survives and respondent no.2 can represent respondent no.1.

2] In view of the contentions made in the application and the submissions made, this Court holds that sufficient cause is shown.

3] In the result, application is allowed and delay is condoned.

(T.V.NALAWADE,J.)