

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

**CIVIL APPLICATION NO. 2987 OF 2014
IN
SECOND APPEAL NO. 3 OF 1994**

Dulbat Bhaani Bodakhe
deceased through his L.Rs. ... Applicants

Versus

Mahadu Shankar Bodakhe
& others ... Respondents

.....
Mr. S.V. Hange, Advocate holding for
Mr. V.R. Dhorde, Advocate for Applicant s
Mr. N.K. Kakade, Advocate for respondent Nos. 1 to 4
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 23rd APRIL, 2015

PER COURT :

1. The Second Appeal has been admitted by order dated 07-01-1994 and ground No. 2 is treated as a substantial question of law. Appellant No. 1B – Rambhau Dulbat Bodakhe has passed away. The Applicants seek condonation of 171 days delay for bringing the legal heirs of the deceased appellant on record.

2. Shri Kakade, learned Advocate appears on caveat on behalf of all the respondents and opposes the application. He

submits that the applicants are negligent and the reasons set out in the application are not satisfactory.

3. In the light of the above and for the reasons set out in the application, the same is allowed. Delay of 171 days is condoned subject to costs of Rs. 1,000/- (Rs. One thousand only) to be deposited by the applicants within a period of six weeks from today in this Court. After depositing the costs, respondents may withdraw the same in equal shares.

4. Upon depositing the costs, legal heirs of appellant 1B be brought on record in the Second Appeal within two weeks.

5. In the event of non-compliance of this order, same shall stand recalled, this Civil Application shall stand rejected.

(RAVINDRA V. GHUGE, J.)