

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

**CIVIL APPLICATION NO. 5258 OF 2011
IN
SECOND APPEAL NO. 1138 OF 2004**

Balasaheb s/o Vaijinath Jogdand (Mane)
& another ... Applicants

Versus

Vaijinath s/o Sidram Jogdand (Mane)
& others ... Respondents

.....
Mr. V.P. Raje, Advocate holding for
Mr. C.R. Deshpande, Advocate for Applicant
Mr. Krishna Solanke Advocate holding for
Mr. V.D. Salunke, Advocate for respondent No. 4
Mr. N.G. Kale, Advocate for respondent No. 5 to 7

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 18th MARCH, 2015

PER COURT :

1. The applicant prays for condonation of delay of 177 days caused in preferring this Civil Application so as to bring on record the legal representatives of the deceased respondent No. 4, and also prays for setting aside the abatement order as against respondent No. 4.
2. Learned Advocates for the respondents oppose the Civil Application.

3. For the reasons set out in paragraph Nos. 4, 5 and 6 of the Civil application, the same is allowed. Delay of 177 days caused in preferring the Civil Application for bringing the legal representatives of the deceased respondent No. 4 is condoned and the delay of 117 days in preferring Civil Application for setting aside abatement order is also condoned. The Applicants shall pay costs of Rs. 3,000/-. Consequentially, the order of abatement stands set aside by restoring the order of abatement.

4. Learned Advocates for the respondents graciously state that the said amount be paid to the High Court Advocates' Bar Library, Aurangabad. As such, the applicants shall deposit costs of Rs. 3,000/- with the High Court Advocates' Bar Library, Aurangabad within a period of three weeks from today, failing which this order shall stand recalled and the Civil Application shall stand rejected.

5. Upon compliance of the order, the applicants shall bring on record the legal representatives of the deceased respondent No. 4, within a period of two weeks from the date of depositing the costs.

(**RAVINDRA V. GHUGE, J.**)