

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3366 OF 2010
IN SA/1505/2004

YAMJI LIMBAJI TRIMBAKE
VERSUS
PRALHAD DATTATRAYA GUNJAL & ORS.

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Advocate for Applicant : Shri V.D.Bedre
Advocate for Respondents : Shri P.P.Kothari h/f Shri S.S.Bora

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 25, 2015

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PER COURT :-

1. Shri Kothari, learned Advocate appearing on behalf of Shri Bora submits that Shri Bora, learned Advocate has instructions to appear on behalf of Respondent 2A, who is the only unserved respondent in this matter.
2. By this Civil Application, the applicant prays for condonation of 35 days' delay caused in filing this application for bringing the legal heirs of the deceased respondent No.2 - Prakash Dattatray. Reasons explaining the delay are assigned in paragraph Nos.3 to 6 of this application.
3. Learned Advocates for the respondents opposed the application on the ground that the reasons cited do not support the request for condonation of delay.
4. Having considered the submissions of the rival sides, this application is allowed. Delay of 35 days is condoned, subject to the applicant's depositing costs of Rs.1000/-. Learned Advocate for the respondents submits that the said amount be donated to High Court Advocates' Bar Library, Aurangabad.

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5. Upon depositing costs, the applicant shall bring on record the legal heirs of the deceased respondent No.2 - Prakash Dattatray within a period of three weeks therefrom.

6. In the light of the above, the applicant to deposit the said amount with High Court Advocates' Bar Library, Aurangabad within four weeks from today, failing which this order shall stand recalled, the Civil Application shall stand rejected.

(RAVINDRA V. GHUGE, J.)

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