

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6360 OF 2012
IN SA/290/1992

HALIMABEE MD. ISHAQUE, THR. L.R.
VERSUS
RASHIDA AYUBKHAN AND ORS

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Advocate for Applicant : Shri Kedar Balbhim R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 07, 2015
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PER COURT :-

1. By order dated 12.6.2012, this Court had issued notice to the L.Rs. of deceased - respondent No.4D. Office note indicates that respondents 4D-1 to 4D-5 and 7 are served. Respondent No.4D-6 is a minor, however, his mother 4D-3 is on record. Despite service, no appearance is entered, either in person or through an Advocate by the respondents.
2. The applicants, by this application, pray for condonation of 137 days delay, caused in filing this application for bringing the legal heirs of respondent 4D on record and for setting aside the abatement order.
3. The reasons in support of the prayer are set out in paragraph Nos. 2 and 3.
4. As such, for the reasons stated, this Civil Application is allowed. Delay of 137 days is condoned and the order of abatement is set aside. Since the respondents, who are served, have chosen to remain absent and have not entered their appearance, the applicants shall pay costs of Rs.1,000/- to the High Court Advocates' Bar Library, within a period of three weeks from today. Addition of legal heirs be carried out within a period of three weeks after depositing the costs.

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5. In the event this order is not complied with, same shall stand recalled, the application shall stand rejected and the order of abatement shall then stand restored.

(RAVINDRA V. GHUGE, J.)

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