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

CIVIL APPLICATION NO. 10477 OF 2014
IN SA/246/2004
WITH
CIVIL APPLICATION NO.3019/2013
IN SA/246/2004
WITH
CIVIL APPLICATION NO.9377/2012
IN SA/246/2004
WITH
CIVIL APPLICATION NO.9383/2012
IN SA/246/2004

KAMLAKUMARI GULSANKUMAR OBEROY
VERSUS
LACHHMANDAS BANSILAL RATHOD LRS CHAMPABAI AND OTHERS

...
Advocate for Applicant : Mr.Bedre Vinayak Sudhakar

Advocate for Respondents : Mrs.K.P.Mutatkar h/f Anjali Dube for 2 to 4.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 15th April, 2015

Per Court:

(a) Civil Application No.10477/2014:-

1 The Applicant prays for issuance of notice to the Respondent Nos.23A and 23B on the same address as is mentioned in the cause title. The contention is that the detailed address of both the Respondents is mentioned in the cause title of this application.

2 For the reasons stated in the Civil Application, the same is allowed. Issue fresh notice on the Second Appeal to the Respondent Nos.23A and 23B on the address given in this Civil Application, returnable on 19.06.2015.

(b) Civil Application No.3019/2013:-

1 The Applicant submits that the Respondent No.1A (Champabai Rathod) has passed away on 01.03.2010. The legal heirs of the deceased Champabai are already on record. Therefore, the name of the deceased Respondent No.1A (Champabai) be deleted from Second Appeal No.246/2004.

2 Learned Advocate appearing on behalf of the Respondent Nos.2 to 4, submits that they are the legal heirs of the deceased Champabai.

3 In the light of the above, this Civil Application is allowed and the name of the deceased Respondent No.1A (Champabai) is deleted from the Second Appeal at the risk of the Applicant/ Appellant. Deletion be carried out within a period of TWO WEEKS from today.

(c) Civil Application No.9383/2012:-

1 The Respondent No.25-B remained unserved. Since the steps were not taken by the Applicant/ Appellant, the Second Appeal was dismissed as against the Respondent No.25-B by the order of the Registrar dated 18.01.2012.

2 The Applicant submits that the Respondent No.25-B has passed away. The legal heirs in the form of the Respondent Nos.25-A and 25-C to 25-E are already on record and as such, the name of the Respondent No.25-B be deleted.

3 The Applicant also prays for condonation of delay of 40 days caused in filing this Civil Application.

4 In the light of the categorical statement made by the Applicant that the legal heirs of the Respondent No.25-B are already on record as Respondent Nos.25-A and 25-C to 25-E, this Civil Application is allowed. The delay of 40 days is condoned. The order of Registrar dated 18.01.2012 is set aside. Leave to delete the Respondent No.25-B is granted at the risk of the Applicant/ Appellant. Deletion be carried out within a period of TWO WEEKS from today.

(d) Civil Application No.9377/2012:-

1 The Respondent Nos.16, 19 and 21 remained to be served. By the order of Registrar dated 18.01.2012, the Second Appeal was dismissed as against the Respondent Nos.16, 19 and 21.

2 The delay of 40 days is caused in filing this Civil Application seeking setting aside of the order of Registrar and praying for issuance of notice to the Respondent Nos.16, 19 and 21 on their addresses mentioned in the cause title of the Civil Application.

3 In the light of the above and for the reasons stated in the Civil Application, the same is allowed. The delay of 40 days is condoned, subject to the Applicant depositing costs of Rs.1000/- (Rupees One Thousand) with the Advocate Association's Bar Library, High Court, Aurangabad within a period of TWO WEEKS from today. The order of the Registrar dated 18.01.2012 is set aside.

4 After depositing costs, the Second Appeal shall be restored to the file as against the Respondent Nos.16, 19 and 21 and fresh notices, thereafter, be issued to the said Respondents returnable on 19.06.2015.

5 In the event of non compliance of this order, this order shall

stand recalled, the Civil Application shall stand rejected and then the order of the Registrar shall stand restored.

(RAVINDRA V. GHUGE, J.)