

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

**CIVIL APPLICATION NO. 2787 OF 2012
IN
WRIT PETITION NO. 826 OF 1993**

Aba S/o Amnaji Sarwade ... Applicant

VERSUS

Dnyanobai W/o Gajananrao Deshmukh
& others ... Respondents

.....
Mr. H.U. Tungar, Advocate holding for
Mr. C.R. Deshpade, Advocate for applicant
Mr. V.D. Gunale , Advocate for respondent No. 2

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 8th JANUARY, 2015**

PER COURT :

1. By this application, the applicant prays for condonation of delay of 6183 days and for recalling of the order of abatement so as to be able to bring on record the legal representative of the original petitioner- Aba Amanaji. Learned Advocate for the applicant has set out the reasons, on account of which, the legal representative could not be brought on record earlier.

2. Learned Advocate Shri Gunale, on behalf of respondent No. 2, has vehemently opposed the application. According to him, the reasons justifying the condonation of delay have not been set

out properly in this application. The delay is inordinate and does not deserve to be condoned.

3. Since the sole petitioner has passed away, the order of abatement was passed. It shut the doors of litigation on the legal representative of the original petitioner-Aba. The Writ Petition is filed in 1993. Issue involved is as regards agricultural property. The delay caused for bringing the legal representative on record can be condoned by imposing costs upon the applicant.

4. In the light of the above, this Civil Application is allowed. The delay of 6183 days is condoned on the condition that the applicant-legal representative of the deceased petitioner shall deposit an amount of Rs. 10,000/- (Rs. Ten thousand only) in this Court within a period of three weeks from today. Respondents are at liberty to withdraw the said amount in equal proportion. The legal representative of deceased petitioner be brought on record in the Writ Petition within a period of two weeks from today. If either of the above mentioned conditions are not complied with, this order shall stand recalled, Civil Application shall stand rejected and the order of abatement shall be restored.

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