

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

**CIVIL APPLICATION NO. 12664 OF 2009
IN
SECOND APPEAL NO. 1421 OF 2005**

Sambhaji S/o Shivaji Agale
& others

... Applicants

Versus

Umaji S/o Ramji Agale
& others

... Respondents

.....
Mr. A.P. Gaikwad , Advocate holding for
Mr. S.S. Kazi, Advocate for Applicant
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 25th MARCH, 2015

PER COURT :

1. None have appeared for the respondent/ non-applicants.
2. The applicants pray for condonation of delay of 234 days in filing this Civil Application for bringing the legal representatives of the deceased respondent No. 1 on record in the Second Appeal. The reasons explaining the delay are set out in paragraph Nos. 3 & 4 of the Civil Application.

3. I have considered the submissions of the learned Advocate for the applicants and for the reasons set out in the application, same is allowed. Delay of 234 days is condoned subject to the payment of costs of Rs. 2500/-.

4. Since the application has abated as against respondent Nos. 3 & 5 and none have appeared on behalf of respondent Nos. 1, 2 & 4, the said costs shall be paid by the applicants to the High Court Advocate's Bar Library, Aurangabad within a period of four weeks from today, failing which this order shall stand recalled, and the Civil Application shall stand rejected.

5. Upon depositing the costs, the applicants shall accordingly bring on record the legal representatives of respondent No. 1 within a period of three weeks therefrom.

(RAVINDRA V. GHUGE, J.)