

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's orders.	Office Coram, Court's orders or Registrar's orders.	Court's or Judge's orders.
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CIVIL APPLICATION NO. 6108 OF 2011
IN SA/28/2011

SHIVAJI RAMJI PAWAR (DIED) LRS RAMESH SHIVAJI PAWAR
AND ORS

VERSUS

SAKHARAM MAHIPATRAO KULKARNI GPA ASHOK
SAKHARAM KULKARNI DIED TH LRS AND ORS

...
Advocate for Applicants : Mr. Shaikh Mujtaba Gulam
Mustafa And Mr. A. G. Ansari.

AGP for Respondent No.4: Mr. V. B. Garud.

CORAM: T. V. NALAWADE, J.
DATED: 31st August, 2015.

PER COURT:

1. The application is filed for condonation of delay caused in filing application to bring legal representative of Respondent No.3 on record and for permission to bring legal representatives on record. As per the record, notice was served on Respondent No.3-A but nobody turned up. Respondent No.4 is present. Learned counsel for the Respondent No.4 submits that as per his information the delay of 15 years has been caused in

filing application for bring legal representatives of deceased Respondent No.3 on record. In view of the contents of the application, submissions made and as there is nothing on record to show that about the death of Respondent No.3-A, information was given, it can be said that Respondent No.3 was not available when the first appeal was decided. The suit was decided on 15th December, 2005 and there is possibility that the Respondent No.3 was not available even when the suit was being decided. The entire matter will be considered on the point "what is effect of death of Respondent No.3 on the entire matter in view of the death during pendency of the proceedings". Subject to that decision, the application is allowed. Delay is condoned. Permission is granted to bring the legal representatives on record. Application is disposed of accordingly.

2. Notice to Respondent No.3-A made returnable on 1st October, 2015.

3. Amendment to be carried out immediately.

[T. V. NALAWADE, J.]

Dt.31/08/2015
ans/6108