

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

**CIVIL APPLICATION NO. 7195 OF 2011
IN
SECOND APPEAL NO. 1035 OF 2005**

Gorajabai Shahu Koli ... Applicant

VERSUS

Tukaram Nhanu Koli
since deceased through
legal representatives ... Respondents

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Mr. A.N. Sabnis , Advocate holding for
Mr. S.P. Shah, Advocate for applicant
Mr. Aditya Sikchi, Advocate holding for
Mr. A.S. Sawant, Advocate respondent Nos. 1-A to 1-G, 2-A to 2-G

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 18th MARCH, 2015

PER COURT :

1. The applicants, by this application seek condonation of delay of 350 days for seeking the setting aside of the abatement order dated 07-07-2010 and for bringing on record legal representatives of the deceased respondent No. 1. The circumstances in support of the prayer for condonation of delay are set out in paragraph Nos. 6, 8 and 9.

2. The learned Advocate for the respondents opposed the Civil Application.

3. For the reasons set out in the Civil Application, the same is allowed. The order of abatement dated 07-07-2010 is set aside and the delay of 350 days caused is condoned subject to the applicant paying costs of Rs. 5,000/- to the respondents. The learned Advocate for the respondents graciously submits that the said costs be paid to the High Court Advocates' Bar Library, Aurangabad. The Second Appeal has been admitted after framing the substantial question of law by order dated 14-08-2008.

4. In the the light of the above, the applicant shall deposit costs of Rs. 5,000/- with the High Court Advocates' Bar Library, Aurangabad within a period of three weeks, failing which this order shall stand recalled and the Civil Application shall stand rejected.

5. On compliance of the above order, the applicant shall bring on record the legal representatives of deceased respondent No. 1 within a period of four weeks.

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