

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

925. CA/6429/2015 In RC/294/2012 WITH CA/6430/2015 In RC/294/2012

PRAMILABAI PURUSHOTTAM BHATIYA DIED LRS SHAILA VIJAY RAMAIYA
V/S
BHAGCHAND PANNALAL BOHRA

Ms. S.V. Nyadadish, Advocate for applicants.

CORAM : T.V. NALAWADE, J.
DATED : 21st July, 2015.

ORDER :

1. Civil Application No. 6429/15 is filed for condonation of delay and setting aside the order of dismissal and for restoration of Civil Revision Application. The order is made by the Registrar Judicial as the office objections were not removed. It is contended that the counsel appointed by the petitioner was elevated to Bench at the relevant time and there was no information to the petitioner and due to that, steps were not taken. The delay is of around 1109 days and the landlord wants to challenge the decision given in appeal. The order of eviction was given in his favour and that is set aside by the Appellate Court as per the submissions made by the learned counsel for the applicants. In view of the submission made and the contents of the application, the application is allowed. Delay is condoned. The order of Registrar Judicial is set aside. The revision is

restored to its original number.

2. Civil Application No. 6430/15 is filed for brining the legal heirs of original respondent on record. It is contended that the present petitioner learned about the death of the the respondent and respondent died on 13.2.2015. The application for brining the legal heirs of respondent is filed within 90 days. So, the application is allowed. Applicants are allowed to bring on record the legal heirs of deceased respondent. In the main matter, legal heirs of respondents are to be substituted. Office objections are to be removed before 7.8.2015. If the aforesaid things are not done prior to 7.8.2015, the matter shall stand dismissed automatically without back reference to the Court.

[T.V. NALAWADE, J.]

ssc/