

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8384 OF 2013  
IN SAST/16761/2013

PRAKASH NANABHAU WAGHMARE AND OTHERS  
VERSUS  
JARICHAND APPARAO TANGADE

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Advocate for Applicants : Shri Dhengle B.A.  
Advocate for Respondents : Shri Babhulgaonkar K.M.

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CORAM : RAVINDRA V. GHUGE, J.  
Dated: March 19, 2015

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PER COURT :-

1. The applicants pray for condonation of delay of 179 days caused in filing this Civil Application for bringing the legal representatives of deceased appellant No.2 on record. Reasons are indicated in paragraph Nos.2 to 4 of the application.

2. Shri Babhulgaonkar, learned Advocate vehemently opposes the Civil Application and submits that the Second Appellant has passed away during the pendency of the appeal before the District Court. There is inordinate delay and the same cannot be restricted to only 179 days, as is claimed by the applicants.

3. For the reasons set out in the application and in the interest of justice, the same is allowed. Delay of 179 days is condoned and the order of abatement, if any, is set aside on the condition that the appellants shall pay costs of Rs.5,000/- to the respondent herein, within a period of five

weeks from today, by depositing the same in this Court. Upon depositing the costs, the respondent is at liberty to withdraw the said amount.

4. Upon compliance of this order by depositing costs, the legal representatives of appellant No.2 shall be brought on record, within three weeks therefrom.

5. Needless to state, if the costs are not deposited, this order shall stand recalled, the Civil Application shall stand rejected and the order of abatement shall stand restored.

( RAVINDRA V. GHUGE, J. )

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