

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

**CIVIL APPLICATION NOS. 10400 & 10399 OF 2011
IN SECOND APPEAL NO.648/1999**

Nanasaheb Yamaji Kakade
Versus

.. APPLICANT

Rajaram Barku Janjal Died
through L.Rs. Dattu Rajaram Janjal
and Ors

.. RESPONDENTS

...

Shri P.F.Patni, Advocate for applicant
Shri Amol Deshmukh h/f Shri V.D.Sonawane, Adv.for R.3.
Shri S.S.Patil, Adv. for Respondent nos.4-A to 4-C

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CORAM : N.W.SAMBRE,J.
DATED : 1st JULY, 2015

ORDER :-

These are the Applications by the appellant for condonation of delay and setting aside abatement as against respondents no.1 and 2 respectively.

2] The application is objected by Shri Deshmukh, as according to him, there is an inordinate unexplained delay.

3] It is noticed that the fact about the death of said respondents

no.1 and 2 was within the knowledge of the present appellant and he has intentionally and deliberately not taken steps for bringing L.Rs. of the said respondents on record, is not brought to the notice of this Court.

4] Apart from above, the provisions of Rule 10-A of Order XXII of C.P.C. are required to be taken into account. In view thereof, for the reasons stated in the applications, and for the cause narrated, both applications are allowed in terms of prayer clauses "B" and "C".

5] Appropriate amendment be carried out within two weeks.

(N.W.SAMBRE,J.)

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