

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11822 OF 2011 IN
SECOND APPEAL NO.730 OF 2005

M/S KANHAIYALAL HIRALAL AGRAWAL
AND OTHERS

APPLICANTS

VERSUS

APANI BAKERI, MALEGAON CAMP
AND OTHERS

RESPONDENTS

Mr.S.S.Patunkar h/f Mr.S.I.Nandode, Advocate for the applicants.
Mr.N.R.Thorat h/f Mr.A.K.Tiwari, Advocate for respondent Nos. 1, 2A, 3, 4 and 5.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 18/03/2015

PER COURT :

1. By this application, the applicants pray for condonation of 390 days delay caused in preferring this civil application for seeking setting aside of the abatement order and for bringing the LR's of deceased respondent No.2 on record in the second appeal.

2. Learned Advocate for the applicants points out from paragraph Nos.3 and 4 as regards the circumstances in support of the request for condonation of delay. Learned Advocate for respondent Nos. 3,4 and 5 opposes the application. All other non-applicants have been served, yet have chosen not to cause an appearance either through an Advocate or in person.

3. In the light of the above and for the reasons set out in the civil application, the same is allowed. Delay of 390 days is condoned. Order of abatement dated 13/07/2011 passed by the Registrar is set aside.

4. The applicants, who are partners in Partnership Firm, shall deposit an amount of Rs.10,000/- (Rs.Ten thousand only) within a period of 5 (five) weeks from today, failing which this order shall stand recalled, the civil application shall stand rejected and the order of the Registrar shall stand restored.

5. Learned Advocate for the respondents graciously submits that the said amount be paid to the Advocates' Bar Library, High Court, Bench at Aurangabad. As such, the applicants shall pay the said costs to the Advocates' Bar Library, High Court, Bench at Aurangabad, within a period of 5 (five) weeks from today. Upon depositing costs, the applicants shall bring on record the legal representatives of deceased respondent No.2 within 2 (two) weeks therefrom.

(RAVINDRA V. GHUGE, J.)