

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

**Civil Application No. 12164 of 2015
In
Second Appeal No.790 of 2008**

Asraj S/o Shankarlal Khabia
And Others.

.. Applicants.

Versus

Magan s/o Bapu Khatane
And Others.

.. Respondents.

Shri. V.R. Dhorde, Advocate, for applicants.

Shri. H.V. Tungar, Advocate, for respondent Nos.1 and 3.

CORAM: T.V. NALAWADE, J.

DATE : 9th OCTOBER 2015

ORDER:

1) Learned counsel for the applicants submitted that respondent No.4 is dead. He submitted that proper procedure was not followed about intimation of the death so delay is caused. It is submitted that respondent Nos.7 and 8 are contending that respondent No.4 has left a will and he has bequeathed his property.

2) It appears that respondent Nos.7 and 8 were duly served but they have not turned up. In view of these circumstances the application is allowed to substitute respondent No.7 and 8 as legal representatives of respondent No.4 but fresh notice needs to be issued to respondent Nos.7 and 8 as legal representatives of respondent No.4, made returnable on 30-11-2015. The civil application is disposed of.

Sd/-
(T.V. NALAWADE, J.)

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