

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

**CIVIL APPLICATION NO.10391 OF 2011
IN
SECOND APPEAL NO. 06 OF 2008**

Shankar Radhu Naikwadi
since deceased through his legal heirs
& another ... Applicants

Versus

Tahasildar, Akole,
Dist. Ahmednagar & others ... Respondents

.....
Mr. G.V. Wani, Advocate for Applicants
Mr. P.P. More, AGP for respondent Nos. 1 to 4
Mr. S.V. Natu, Advocate for respondent No. 5
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 8th APRIL, 2015

PER COURT :

1. The applicants pray for condonation of delay of 293 days in filing this application seeking setting aside of the abatement order and for adding the applicant Nos. 1-a to 1-h as appellants in the Second Appeal in view of the demise of Appellant No. 1- Shankar R. Naikwadi. The reasons explaining the delay are set out in the application.

2. Taking into account the explanation set out in the Civil Application, the same is allowed. The delay of 293 days is condoned subject to the payment of costs of Rs. 2000/-. Shri Natu graciously submits that the said costs be donated with the High Court Advocates' Bar Library, Aurangabad. As such, the applicants shall deposit the said amount within a period of four weeks from today with the High Court Advocates' Bar Library, Aurangabad. On depositing the costs, the order of abatement shall stand set aside and applicants be brought on record as legal heirs of appellant No. 1. I am depriving costs to the legal heirs of respondent No. 6 as despite service they have chosen to remain absent.

3. In the event of non-compliance of this order, same shall stand recalled, this Civil Application shall stand rejected and the order of abatement shall then stand restored.

(**RAVINDRA V. GHUGE, J.)**