

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

**CIVIL APPLICATION NO. 6488 OF 2011
IN
SECOND APPEAL NO. 16766 OF 2001**

Bhaskar s/o Bapu Gate
& another

... Applicants

VERSUS

Bapu s/o Aabu Gate
& others

... Respondents

.....
Mr. S.S. Chodhari, Advocate for applicants
Mr. K.K. Kulkarni, Advocate for respondent No. 3
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 18th MARCH, 2015

PER COURT :

1. By this application, the applicants pray for condonation of 1029 days delay in preferring the Civil Application for bringing the legal representatives of the deceased respondent No. 2 on record.
2. The learned Advocate for the respondents has opposed the application.

3. Shri Choudhari, learned Advocate indicates the reasons set out in paragraph Nos. 2, and 3 in support of the prayer for condonation of delay. It is stated that the applicants are poor agriculturists.

4. In the the light of the above, this Civil Application is allowed. The delay of 1029 days is condoned. Order of abatement is set aside. The applicant shall pay costs of Rs. 5,000/- to the respondents.

5. The applicant shall comply with the above directions and deposit the costs within four weeks from today, failing which this order shall stand recalled and the Civil Application shall stand rejected.

6. Upon depositing the costs, the non applicant No. 1 and 3 are at liberty to withdraw the said amount in equal proportion. The applicants shall accordingly bring the legal representatives of the deceased respondent No. 2 on record within a period of two weeks from the date of depositing the costs.

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