

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

CIVIL APPLICATION NO 14444 OF 2012
IN
CIVIL APPLICATION (ST) No. 24631 of 2012
IN
SECOND APPEAL NO. 79 OF 1994

Anant s/o Ramrao Donagre
died through L.Rs. ... Applicants

Versus

Shri Keshavraaj Mandir Trust
through its Trustees ... Respondent

.....
Mr. V.D. Gunale , Advocate for Applicants
Mr. A.S. Deshpande, Advocate for respondent

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 20th MARCH, 2015

PER COURT :

1. By this application, the applicants seek condonation of 869 days delay caused in the filing of this application, to bring the legal representatives of the deceased appellant on record. The appellant passed away 26-01-2010. Reasons in support of the request are set out in paragraph Nos. 2, 3 & 4.

2. Learned Advocate for the non-applicants submits that the delay is inordinate and the application deserves to be rejected

since the request for condonation of delay is not supported by the reasons cited.

3. The Second Appeal has been admitted. Ends of justice would be met by condoning the delay with imposition of costs.

4. The Civil Application is, therefore, allowed, delay of 869 days is condoned. The order of abatement if any is set aside. The applicants shall pay costs of Rs. 5,000/- to the respondent trust by depositing the said amount in this Court within a period of four weeks.

5. Upon compliance of this order, the applicants shall bring the legal representatives of the deceased on record. Respondent Trust will be at liberty to withdraw the said amount.

6. In the event this order is not complied with as directed herein above and within the time frame, this order shall stand recalled, the Civil Application shall stand rejected and the order of abatement shall stand restored.

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