

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

**CIVIL APPLICATION NO. 13035 OF 2012
IN
SECOND APPEAL NO. 299 OF 2006**

Laxman Kashinath Mangdare

...APPL ICANT

versus

Rama Kashinath Mangdare
Since deceased through L.Rs.
Subhadrabai and others

...RESPONDENTS

.....
Mr. S.D. Hivrekar, Advocate for applicant
Mr. S.H. Jagyasi, Advocate for respondents No. 1 to 6
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 27th NOVEMBER, 2015

Order :-

1. Heard learned counsel for the parties.
2. Learned counsel for applicants has advanced various submissions, including as referred to in paragraph No. 2 of the application and goes on to submit that for absence of advocate, the applicant may not be deprived of hearing on merits in the case. Learned counsel for respondents, however, has reservations and contends that person concerned is very much in profession and in the circumstances applicant, who had remained absent for quite some time, would not deserve any leniency as is ordinarily considered in such matters, alternatively he submits that heavy costs be imposed.

3. Having regard to aforesaid, the reasons given in the application as well as on consideration of submissions advanced, I deem it appropriate to allow the application in terms of prayer clauses "B" and "C" subject to payment of costs of Rs. 1500/- which shall be paid to the respondents or their learned counsel under receipt within a period of eight weeks which shall be submitted to the court. Payment of costs would be the condition precedent.

4. Accordingly, civil application is allowed in aforesaid terms and stands disposed of.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK