

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13412 OF 2010
IN SA/1109/2005

SUDHIR PRATAPRAO BATTISE DIED THROUGH LRS AND ORS
VERSUS
MASHICHARAN BABURAO KAMBLE AND ANR

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Advocate for Applicants : Shri Joshi Anil A.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 25, 2015
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PER COURT :-

1. The applicants by this application pray for condonation of 169 days' delay caused in filing the Civil Application for bringing on record the legal heirs of deceased appellant - Sudhir. It is explained that the appellant Sudhir passed away on 7.1.2010. The applicant No.1B - Rajesh Sudhir received a letter dated 8.9.2010 from his Advocate with regard to the Second Appeal proceedings pending in this Court. Immediately, the Civil Application was filed on 23.9.2010. Delay is neither intentional nor deliberate and which is only of 169 days.
2. None appears for the respondents.
3. Considering the submissions as above and for the reasons set out in paragraph Nos.2 to 4 of the Civil Application, the same is allowed. The order of abatement is set aside. Delay of 169 days is condoned, subject to the applicants depositing costs of Rs. 3000/- in this Court within a period of four weeks from today. On depositing costs, the legal heirs of appellant - Sudhir be brought on record within three weeks therefrom. Respondents shall, thereafter, withdraw the said amount in equal proportions.

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4. In the event the costs are not deposited, this order shall stand recalled, the Civil Application shall stand rejected and the order of abatement shall stand restored.

(RAVINDRA V. GHUGE, J.)

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