

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, Court's orders or Registrar's	Court's or Judge's orders.
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CIVIL APPLICATION NO. 13047 OF 2015
IN FA/451/1989

DEORAM RAJARAM AAGLAVE. SINCE DECEASED THR HIS
LRS JAYA @ JAYSHREE DEORAM AAGLAVE

VERSUS

SHANTARAM HARI PADALE L.RS. VITHABAI. SINCE
DECEASED LRS DEORAM DIED THR LRS ATM

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Advocate for Applicant : Mr. Shinde Chandrakant K.
Advocate for Respondent Nos.3 and 4: Mr. R. S.
Deshmukh.

CORAM: T. V. NALAWADE, J.
DATED: 20th NOVEMBER, 2015.

PER COURT:

1. The application is filed for condonation of 1661 days delay caused in filing application for setting aside order of abatement and disposal of the appeal No.451 of 1989. Both the sides are heard.
2. It appears that in the year 2010 this Court was informed by the serving officer that the sole appellant

was dead and then order was made that steps were to be taken within eight weeks from 3rd May, 2010 to bring the legal representatives on record. As the steps were not taken the appeal was disposed of as abated. Copy of the death certificate of the sole appellant is produced showing that he actually died on 7th December, 2014. It is submitted that the sole appellant was suffering from cancer and was receiving treatment in hospital from Mumbai and there was nobody for him to attend the present matter and contact the counsel from Aurangabad. In view of these submissions and the circumstances, this Court holds that delay needs to be condoned.

3. In the result, application is allowed. Delay is condoned. Abatement is set aside. The appeal is restored to its original number. The applicants are allowed to come on record as legal representatives of the sole Appellant. Amendment to be carried out immediately.

4. As the valuation of the subject matter is only Rs.80,000/- as per the amendment to the Bombay Civil Courts Act the matter be sent, remitted to District Court,

-(3):-

13047

Ahmednagar.

[T.V. NALAWADE, J.]

Dt.20/11/2015
ans/13047