

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.14993 OF 2011
IN
SECOND APPEAL NO.45 OF 2003

KAUTIK SHENFADU, DIED,
THROUGH LR'S AND OTHERS

APPLICANTS

VERSUS

PUNJAJI YESUBA, DIED, THROUGH LR'S
AND OTHERS

RESPONDENTS

Mr.A.P.Bhandari, Advocate for the applicants.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 18/03/2015

PER COURT :

1. All the respondents are served pursuant to the issuance of notice on 17/12/2011. Despite service, none of them have entered their appearance through an Advocate or in person.

2. By this application, the applicants pray for condonation of delay of 349 days for seeking setting aside of the abatement order as regards the deceased respondent Punjaba Yesuba and for bringing his legal representatives on record. Reasons for delay are indicated in paragraph Nos. 4, 5, 6 and 7.

3. In the light of the above, this civil application is allowed. Delay of 349 days is condoned. The order of abatement as regards the deceased respondent stands recalled.

4. The applicants shall deposit costs of Rs.5,000/- (Rs.Five thousand only) within a period of 4 (four) weeks from today. Since none of the respondents have appeared despite service, the applicants shall pay the costs to the Advocates' Bar Library, High Court, Bench at Aurangabad, failing which this order shall stand recalled and the petition shall stand abated.

5. Upon depositing costs, the applicants shall bring the legal representatives of the deceased respondent on record within a period of 2 (two) weeks therefrom.

(RAVINDRA V. GHUGE, J.)