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

CIVIL APPLICATION NO. 2358 OF 2013
IN SA/396/1998

KANTRAO HANMANTRAO VAISHNAV AND ANR.
VERSUS
BHAGIRATHIBAI RAMA MALI (GORE) AND ORS

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Advocate for Applicants : Mr.Joshi Hrishikesh A.
Advocate for Respondents : Mr.Tele Ashok B. for R/11A to 11F.

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 18th April, 2015

Per Court:

1 By this Civil Application, the Applicants pray for condonation of 437 days delay caused in filing this Civil Application for bringing the legal heirs of the deceased Respondent No.11 on record.

2 The reasons for seeking condonation of delay are set out in the Civil Application. The delay is neither intentional nor deliberate.

3 Mr.Tele, learned Advocate appearing for the Respondent Nos.11A to 11F has opposed the application on the ground that the reasons cited are not satisfactory and do not support the prayers made in the application. In the alternative, if this civil application is to be allowed, heavy costs be imposed on the Applicants.

4 In the light of the above and for the reasons stated in the Civil Application, the same is allowed. The delay of 437 days is condoned subject to the Applicants depositing costs of Rs.2000/- (Rupees Two Thousand). The order of abatement, if any, is set aside.

5 Mr.Tele, learned Advocate appearing for the Respondent Nos.11A to 11F, graciously submits that the said costs be donated to the Advocate Association's Bar Library, High Court, Aurangabad.

6 As such, the Applicants shall deposit the said costs of Rs.2000/- (Rupees Two Thousand) with the Advocate Association's Bar Library, High Court, Aurangabad within a period of FIVE WEEKS from today.

7 After depositing costs, the Applicants shall bring the legal heirs of the deceased Respondent No.11 on record in the Second Appeal within TWO WEEKS from the date of depositing costs.

8 In the event of non compliance of this order, the same shall stand recalled and then this Civil Application shall stand rejected.

(RAVINDRA V. GHUGE, J.)