

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14263 OF 2013
IN SA/22/2013 WITH CA/531/2013 IN SA/22/2013

SHIRISH TRIMBAK KAVTHALKAR
VERSUS
DATTATRAYA VITTHAL INGALE AND OTHERS

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Advocate for Applicant : Shri Dixit S.S. h/f Shri Nagargoje A.N.
Advocate for Respondents : Shri Bhosale S.B. h/f Shri Brahme S.P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 10, 2015
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PER COURT :-

1. Respondent No.2 in the Second Appeal has passed away. Legal heirs of deceased respondent No.2, who are at Sr. No.2A and 2B in the cause title of this application, are already on record in the Second Appeal as respondent Nos.3 and 4. They are the same parties who are respondent Nos.3 and 4 in this application.
2. Delay of (909) days is caused, with reference to the demise of respondent No.2 and bringing his legal heirs on record. Learned Advocate for the applicant submits that this application is formally filed as the said L.Rs. are already on record at Sr. Nos.3 and 4.
3. Learned Advocate for the respondents prays for costs.
4. In the peculiar facts as recorded herein above, this application is allowed. Delay of (909) days is condoned, without imposing costs. Order of abatement is set aside. Respondent Nos.2A and 2B are already on record as respondents 3 and 4.

(RAVINDRA V. GHUGE, J.)

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