

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4774 OF 2013
WITH
CIVIL APPLICATION NO. 4775 OF 2013
IN SA/761/2005

RAMBHAU RABHAJI HONDE DIED THR LRS AND ORS
VERSUS
DROPADABAI RAMBHAU HONDE DIED THR LRS AND ANR

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Advocate for Applicants : Shri Hange S.V. h/f Shri Dhorde Vikram R.
Advocate for Respondents : Shri Jagtap A.B. h/f Shri Sapkal V.D.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 20, 2015
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PER COURT :-

1. In the first application, the appellant No.1 has passed away. Delay of 652 days is caused in filing this application for seeking recalling of the abatement order and for bringing L.Rs. on record.
2. In the second application, the respondent No.1 passed away. Respondent No.2 is the son and sole legal heir of the deceased respondent No.1. By this application, which suffers from delay of 335 days, the applicants pray for treating the respondent No.2 as the L.R. of respondent No.1.
3. Shri Sapkal, learned Advocate appears on behalf of all the respondents. He opposes the applications on the ground that the reasons cited are not satisfactory and do not support the prayers made in the applications.
4. Second Appeal No. 761 of 2005 has been admitted by this Court by order dated 20.3.2009 and a substantial question of law is formulated.

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5. In the light of the same and for the reasons set out in the applications, both the applications are allowed. Delay caused is condoned, subject to costs of Rs.2000/-.

6. Learned Advocate for the respondents graciously submits that the said amount be donated to the Advocate Association's Bar Library, High Court, Bench at Aurangabad. The applicants to deposit the said costs with the Advocate Association's Bar Library, High Court, Bench at Aurangabad, within six weeks. Order of abatement is set aside. Within two weeks from the date of deposit of the said amount, the L.R. be brought on record.

7. Needless to state, in the event of non-compliance, this order shall stand recalled and the Civil Application shall stand rejected.

(RAVINDRA V. GHUGE, J.)

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