

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

**CIVIL APPLICATION NO. 85 OF 2011
IN
SECOND APPEAL NO. 436 OF 2009**

Nemu S/o Motiram Chavan ... Applicant

Versus

Masa S/o Ramkrishna Chavan
& others ... Respondents

.....
Mr. M.M. Patil (Beedkar) , Advocate for Applicant
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 26th MARCH, 2015

PER COURT :

1. None for the applicant even at the second call.
2. The applicant has prayed for condonation of 685 days delay caused in filing this Civil Application for bringing the legal representatives of non applicant No. 3- Vithal Wakhare on record. Reasons are assigned in paragraph Nos. 2 & 3.
3. Learned Advocate Shri M.M. Patil (Beedkar) appearing on behalf of non-applicant No. 1 has opposed this application. Contention is that the reasons assigned do not support the prayer for condonation of delay.

4. This application is dismissed as against respondent No. 2. Respondent Nos. 4 & 5 are absent, though served. Office remark dated 19-07-2014 indicates that the Civil Application is ready for hearing.

5. In the light of the above, this Civil Application is allowed. Delay of 685 days is condoned subject to the applicant depositing costs of Rs. 5,000/- in this Court within a period of six weeks from today, failing which this order shall stand recalled and the Civil Application shall stand rejected.

6. Upon depositing the costs, the applicant shall bring on record the legal representatives of the deceased non applicant No. 3- Vithal Wakhare within a period of three weeks therefrom.

7. Since none have entered an appearance on behalf of respondent Nos. 4 & 5, I am not awarding costs to the said respondents. As such, the amount of costs shall be withdrawn by respondent No. 1.

(RAVINDRA V. GHUGE, J.)