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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CIVIL APPLICATION NO.1898 OF 2016
WITH
CIVIL APPLICATION NO.1899 OF 2016
WITH
CIVIL APPLICATION NO.1900 OF 2016
IN
WRIT PETITION NO.3215 OF 2004**

Baburao Namdeo Dandawate Died Lrs
Suryabhan Baburao Dandawate and others
...Applicants...

Versus

Shamrao Madhavrao Kamble and others
...Respondents...

.....

Shri V.H. Dighe, Advocate for applicants.
Miss.Manali Patil, Advocate h/f Shri S.D. Kulkarni,
Advocate for non-applicants - respondent nos.1 to 4.

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CORAM: RAVINDRA V. GHUGE, J.

DATE: 16.02.2016

ORDER :

1] The second application has been filed by the applicants for seeking condonation of delay of seven years and eight days in filing the first civil application for bringing L.Rs. of deceased respondent

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no.4 on record.

2] Learned Advocate for the non-applicants does not oppose the prayers.

3] Writ Petition No.3215/2004 has been admitted by order dated 5.6.2006 and since then the petition is pending for final hearing. Reasons for the delay in bringing the L.Rs. of deceased respondent no.4 on record are mentioned in the civil application.

4] Learned Advocate for the applicants submits that the cause of action does not survive as the litigating sides have settled their dispute. Within two weeks, they would be tendering the compromise terms for facilitating the disposal of the writ petition in terms of the compromise.

5] In the light of the above, the first and the second civil applications are allowed. Delay is condoned in the light of the peculiar facts as above, without imposition of costs.

6] The applicants shall bring on record in the writ petition the L.Rs. of respondent no.4. Learned Advocate for the non-applicants waives service on behalf of the added respondents.

7] The third civil application has been filed for

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adding the names of the applicant nos.2 and 3 as petitioner nos.2 & 3 in the writ petition. Learned Advocate for the non-applicants does not oppose.

8] For the reasons set out in the application and in the light of the above, this civil application is allowed. The applicants shall bring on record the applicant nos.2 & 3 as petitioner nos.2 & 3 in the writ petition.

9] The above orders shall be carried out on or before 22.2.2016.

(RAVINDRA V. GHUGE, J.)