

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

934 CIVIL APPLICATION NO. 14214 OF 2015
IN RC/815/2013 WITH RC/815/2013

ADINATH SANDEEP NALKAR AND OTHERS
VERSUS
BABAN DEORAM PATHARE

...
Advocate for Applicants : Karpe Rahul R.

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CORAM : T.V. NALWADE, J.
DATED : 1st March, 2016.

ORDER :

1. Application is filed for condonation of delay of 27 days caused in filing appeal from order against the judgment and order of Regular Civil Appeal No. 187/2011, which was pending in the Court of District Judge-5, Ahmednagar. Notice of the present proceeding was sent for service on the respondent - Baban Deoram Pathare. The office note shows that said person accepted the notice, but he contended that his name is Babu and not Baban. In the copy of judgment delivered by District Judge, his name is described as Baban. The learned counsel for present applicants has produced the copy of appeal memo to show that in the appeal memo, said person has shown his name as Babu. In view of these circumstances and as the said person is not disputing that he has filed appeal in District Court, the difficulty can be removed by allowing the applicants to make

amendment in the appeal memo and civil application to show his name as Baban alias Babu Deoram Pathare. Amendment is to be carried out.

2. In view of the contents in delay condonation application and submissions made, this Court holds that sufficient cause is shown. So, application is allowed. Delay is condoned.

3. Notice in appeal is to be sent to respondent after making amendment in the title, made returnable on 12.4.2016.

[T.V. NALAWADE, J.]

ssc/