

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

936 CIVIL APPLICATION NO. 10775 OF 2007
IN SA/54/2001 WITH CA/2164/2015 IN SA/54/2001 WITH
CA/4236/2015 IN SA/54/2001

LAXIMAN DHONDIBA CHAMLE AND ORS
VERSUS
LATABAI GUNWANT CHAMLE AND ORS

...
Advocate for Applicants : V. D. Gunale
Advocate for Respondent 1 : R.D. Patwari
Advocate for Respondents 2 & 3 : S.S. Halkude
...

CORAM : T.V. NALAWADE, J.
DATED : 7th April, 2016.

ORDER :

1. The learned counsel for applicants, appellants requests for making the order of return of amount of Rs. 2000/- deposited in this Court, the charges for publication were paid directly by the Advocate for appellant. In view of this circumstance as the charges are paid by the appellant directly, the amount is to be returned to the appellant.

2. In Civil Application No. 10775/2007 nobody has turned up for legal heirs of respondent No. 4. Learned counsel Shri. N.P. Jamalpurkar presently appearing for one of the respondent submits that he has no instruction to file appearance on behalf of legal heirs of deceased respondent No. 4. In view of

the contentions and submissions made and as the record does not show that anything was informed about the death of respondent No. 4 to appellant, the application is allowed. Delay, if any, is condoned. Abatement in respect of respondent No. 4, if any, is set aside. Permission is granted to bring the legal heirs of respondent No. 4 on the record. Amendment is to be carried out in the appeal memo immediately. Application is disposed of.

3. Learned counsel Shri. Jamalpurkar submits that he will take instruction as to whether the legal heirs of respondent No. 4 want him to file appearance. Stand over to 22.4.2016.

[T.V. NALAWADE, J.]

ssc/