

FARAD CONTINUATION SHEET NO.

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

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Office Notes, Office  
Memoranda of Coram,  
appearances, Court's  
orders or directions  
and Registrar's orders

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Court's or Judge's orders

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CIVIL APPLICATION NO. 9317 OF 2015  
IN RA/153/2010 WITH RA/153/2010 IN  
WP/2686/2008 WITH CA/9317/2015 IN  
RA/153/2010

ISHWARLAL LALCHAND RATHOD DIED THROUGH LRS  
PUSHPA ISHWARLAL RATHOD AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants :Mr.P.P. Dawalkar  
h/f Mrs.Deshmukh Charuta Sunil  
AGP for Respondents/State: Mr.V.S. Badakh.  
Advocate for Respondent 5 :Mr.L.V. Sangit.

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**CORAM:S.S.SHINDE & SANGITRAO S.PATIL, JJ.**

**Dated: APRIL 01, 2016**

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Heard learned Counsel for the  
applicants, learned AGP appearing for  
respondents 1 to 4 and learned Counsel for  
respondent No.5.

2 Learned Counsel for respondent No.5  
invited our attention to the averments in  
the reply filed to the civil application  
and submits that, there is inordinate  
delay in bringing L.Rs. Of deceased

petitioner on record, the delay has not been properly explained and therefore, application seeking condonation of delay in filing civil application for bringing on record L.Rs. of deceased petitioner, be rejected.

3 We have considered the submissions of the learned Counsel for the parties, perused the averments in the application for condonation of delay caused in filing civil application for bringing on record L.Rs. of deceased petitioner. There is inordinate delay of 939 days, which is not properly explained. However, some explanation has been offered by the applicants.

4 In the facts and circumstances of the case, on condition of depositing Rs.5000/- towards costs, the application praying for condonation of delay and bringing on record L.Rs. of deceased petitioner is allowed in terms of prayer clauses (B) and (c) and same is disposed of.

Learned Counsel for the applicants submits that the amount towards costs will be deposited within three weeks from today. Learned Counsel for respondent

No.5 graciously submits that, the amount which would be deposited towards costs by the applicants, be given to the Library of Advocates' Bar Association, High Court of Bombay, Bench at Aurangabad. The applicants to deposit the said amount directly with the said Library.

**(SANGITRAO S.PATIL, J) (S.S. SHINDE, J)**