

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

CIVIL APPLICATION NO. 11288 OF 2016
IN
SECOND APPEAL NO. 67 OF 1993

Sakharamji s/o Gangaramji Rodge and anr. .. Applicants

vs

Kishanrao s/o Tukaramji Rodge and others .. Respondents

Mr. Arvind S. Deshmukh, Advocate for applicants

Mr. P. N. Sonpethkar, Advocate for respondent no.1

CORAM : SUNIL P. DESHMUKH, J.

DATE : 19th August, 2016

ORDER :

1. Learned counsel Mr. Arvind Deshmukh states that the objections in civil application for bringing legal heirs of deceased respondent no. 2 in the second appeal could not be removed within time due to sheer inadvertence and there was absolutely no intention deliberate or otherwise in not removing the office objections. As a matter of fact, no benefit was to be gained by non removal of office objections by the applicants. He, therefore, prays for lenient approach be taken which would sub-serve the cause of justice. He submits that office objections would be removed within a period of four weeks.

2. Mr. Sonpethkar, learned counsel appearing on behalf of respondent no. 1 expostulates against the application. Resistance stands overruled.

3. Having regard to submissions on behalf of applicants, the Registrar's order dated 10-04-2013 refusing registration of civil application for bringing legal heirs of deceased respondent no. 2 stands set aside. Said civil application be registered.

4. In view of the same, civil application stands allowed and is disposed of.

5. Learned advocate Mr. A. S. Deshmukh for the applicant very graciously states that he would donate ₹ 1000/- to the High Court, Aurangabad Bench Bar Association's library within a period of two weeks.

SUNIL P. DESHMUKH,
JUDGE

pnd