

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

**Civil Application No.14789 of 2013
With
Civil Application No.4966 of 2013
In
Second Appeal No.1648 of 2004**

Padmakar s/o Bhalchandra Jahagirdar. .. **Applicant.**

Versus

Suresh s/o Chintaman Jahagirdar
And Others.

.. **Respondents.**

Shri. Y.M. Khan, Advocate, for applicant.

Shri. Mandar A. Deshmukh, Advocate, for respondent
Nos.1 to 4.

Shri. A.T. Patel, Advocate, for respondent No.6(d).

CORAM: T.V. NALAWADE, J.

DATE : 6th JUNE 2016.

ORDER:

1) Civil Application No.14789/2013 is filed for permission to bring legal representatives of respondent No.5 on the record of the second appeal and also in Civil Application No.4966/2013. Notice was served on the legal

representatives of respondent No.5 and one Advocate Shri. S.S. Badve has filed appearance for respondent No.5(a). In this application prayer is also made for permission to delete names of respondent Nos.6(a) and 6(b) and for condonation of delay of 3167 days caused in bringing the legal representatives of respondent No.5 on record.

2) It appears that no information was given about the death of respondent No.5. In view of these contentions the civil application is allowed. Delay is condoned. Permission is given to bring legal representatives of respondent No.5 on the record of the second appeal and Civil Application No.4966 of 2013.

3) Learned counsel for the applicant is heard on Civil Application No.4966/2013. Hearing is given to learned counsel Shri. Mandar Deshmukh, for respondent Nos.1 to 4 and learned counsel Shri. A.T. Patel, who is representing respondent No.6(d). This application is filed for setting aside the order of dismissal of the second appeal for default and for restoration of the appeal.

4) In view of the contentions made in the application and as the Advocate for the applicant takes blame to himself this Court holds that sufficient cause is shown. So the application is allowed. The order of dismissal of the appeal made by this Court dated 4th March 2013 is recalled. Second Appeal No.1648 of 2004 and other civil applications are restored to its original numbers. Amendment is to be carried out to bring legal representatives of respondent No.5 in the appeal memo. Notice in appeal to the legal representatives of respondent No.5 made returnable on 15th July 2016. Both the applications are disposed of in those terms.

Sd/-
(T.V. NALAWADE, J.)

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