

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

14 CIVIL APPLICATION NO. 16986 OF 2015

**IN
CA/3407/2015
WITH
CA/3407/2015
IN
SA/108/2015
WITH
CA/15102/2015
IN
CA/3407/2015**

**MANYAR HASANKHA HANIFKHA
AND OTHERS**

VERSUS

**RAHIMBEG JAMSHERBEN MIRZA
AND ANOTHER**

.....

Mr. M.S.Kulkarni, Advocate for applicants.

Mr. D.A.Madake, Advocate for R – 2 A to 2 F.

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CORAM : T.V.NALAWADE, J.

DATE : 8th JUNE, 2016

ORAL ORDER :-

. The application is filed for condonation of delay of 722 days caused to bring L.Rs. of respondent No. 2 on

record and also for setting aside abatement as against respondent No. 2. Heard both sides.

2. In view of the contentions and the submissions made, it appears that death of respondent No. 2 was not informed and he probably died during pendency of First Appeal. In view of the circumstances, application is allowed. The abatement is set aside. Delay is condoned. Permission is granted to bring L.Rs. of respondent No. 2 on record. Amendment is to be carried out in the Appeal memo.

3. Issue notice to the L.Rs. of respondent No. 2, waives by Mr. D.A.Madake, learned counsel.

4. List the matter for admission purpose on 30/06/2016. Interim relief, if any, to continue till then.

[T.V.NALAWADE, J.]