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

**CIVIL APPLICATION NO. 6168 OF 2016
IN
CIVIL REVISION APPLICATION (STAMP) NO. 657 OF 2016**

Dattatraya Bhumayya Gundu (DIED)

Through: Legal representatives

Vijaya Dattatraya Gundu and others

..APPLICANTS

VERSUS

Parvatibai Janardan Dhore (DIED)

THROUGH: Legal representatives

Balasaheb Janardhan Dhore and others

...RESPONDENTS

Shri Nitin V. Gavare, Advocate, for applicants

Shri V.S. Bedre, Advocate for respondents No.1 to 3.

CORAM : N.W. SAMBRE, J.

DATE : 28th July, 2017

ORAL ORDER

There is delay of 56 days in preferring this Civil Revision Application.

2. Condonation thereof is opposed by learned Counsel Shri Bedre, who appears for respondents No. 1 to 3.

3. For the causes cited in the application, delay stands

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condoned subject to payment of cost, which applicants volunteer Rs. 3000/- (Rs. Three thousand only), to be paid to the High Court Bar Library, within a period of two weeks from today.

4. So far as respondent No.4 is concerned, Advocate Shri Bedre, appears for respondents No. 1 and 4 on caveat. As such, order dismissing the matter against respondent No.4 is set aside as no notice was required against respondent No.4. The Revision Application stood restored against respondent No.4.

5. So far as respondent No.5 is concerned, he is already added as respondent No.3, for whom Advocate Shri Bedre appears. As such, Revision Application also stood restored against respondent No.5.

6. As far as respondent No.6 is concerned, he is brother of applicant. Revision Application also stood restored against him. Prayer is made that respondent No. 6 is non-contesting party and as such, he be permitted to be deleted. Permission granted. Amendment be carried out forthwith.

7. Advocate Shri Bedre waives service of notice for

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respondents No. 1, 2, 3, 4 and 5. Service of notice complete.

8. Issue notice to respondents No. 7 and 8, returnable on 10/08/2017. In addition to Court process, respondents No. 7 and 8 be served with speed post acknowledgment due.

9. Post the matter for further consideration on 10th August 2017 alongwith Second Appeal (Stamp) No. 642 of 2016.

(N.W. SAMBRE, J.)

pjm