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

**CIVIL APPLICATION NO. 1338 OF 2011
IN
CIVIL APPLICATION NO. 5387 OF 2009
IN
SECOND APPEAL (ST.) NO. 9299 OF 2009**

Dhondiba Shetiba Jondhale,
Age: 63 years, Occu: Agri.,
R/o. Moterga, Tq. Mukhed,
Dist. Nanded

..APPLICANT

VERSUS

Tulshiram Subhanna,
died, by L.Rs.
Namdeo Tulshiram Limbore,
Age: 55 years,
R/o. Moterga, Tq. Mukhed,
Dist. Nanded & ors.

..RESPONDENTS

Mr V. V. Bhavthankar, Advocate for applicant
Mr A. M. Gaikwad, Advocate for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 23rd June, 2017

ORAL ORDER

This is an application for bringing legal representatives of deceased respondent No.1 on record along with the prayer for condonation of delay and setting aside the abatement order.

2. Mr Gaikwad, learned Counsel appearing on behalf of respondent No.2 opposed the prayer for condonation of delay on the ground that the delay is not properly explained. However, considering the fact that the

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appellant/applicant is exercising his statutory right, it will be appropriate to allow the application.

3. As such, civil application stands allowed in terms of prayer clause (A) and (B).

4. Amendment be carried out within a period of two weeks from today.

5. Place the matter for further consideration on 17th July, 2017.

(N.W. SAMBRE, J.)

sjk