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

**CIVIL APPLICATION NO.10543 OF 2017
WITH
SECOND APPEAL (ST.)NO. 23468 OF 2017
WITH
CIVIL APPLICATION NO.9457 OF 2017
WITH
SECOND APPEAL (ST.)NO. 23468 OF 2017**

Vithal Hari Maske ..APPLICANT

VERSUS

Ambadas Baburao Sabale & ors. ..RESPONDENTS

Mr S. K. Rahane, Advocate for applicant in C.A.
No.9457/17

Mr A. D. Kasliwal, Advocate for respondent Nos. 1
and 2

CORAM : NITIN W. SAMBRE, J.

DATE : 8th SEPTEMBER, 2017

ORAL ORDER :

Mr G. S. Gadiwan, learned Counsel has moved Civil Application No.10543 of 2017 for condonation of delay in bringing legal heirs of respondent No.3 in second appeal on record.

2. Similar application has also moved Civil Application No.9457 of 2017 for the same prayer.

(2)

3. In view of the fact that Mr G. S. Gadiwal, learned Counsel appears for proposed legal heirs of respondent No.3 in Civil Application No. 10543 of 2017 and is not present during the course of hearing of the present application, in my opinion, the application for bringing legal heirs of respondent No.3 on record, moved by the applicant needs to be allowed by condoning the delay.

4. Both the Civil application stands allowed in terms of prayer clause (A).

5. So far as other prayers are concerned, same will be considered while dealing with second appeal.

6. Appropriate amendment be carried out within one week from today.

7. Place the matter for admission on 18th September, 2017.

(NITIN W. SAMBRE, J.)