

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.15306/2016

56 CIVIL APPLICATION NO.15306/2016

IN

CA/6428/2015

IN

CRAST/226/2000

SADASHIV BHIMA MAHAR AND ORS

VERSUS

GIRIDHAR MALHARI CHOUDHARI (WADAR) DIED THROUGH LRS
SHAMRAO GIRDHARI AND ORS

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Advocate for Applicants : Mr. S.V.Natu
Mr. Chaitanya C.Deshpande, Adv., h/f Mr. C.R. Deshpande Adv. for
R/1-D, and R/1-A, 1-B, 1-D, 1-E, G-I to G-IV, 2C & 2D.

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CORAM : SUNIL P. DESHMUKH, J.

Dated: March 03, 2017

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PER COURT :-

1. This Civil Application has been filed for bringing on record legal representatives of respondent Nos.1C and 2B, where- under there appears to be delay of about 2094 days in respect of one, and of 8678 days in respect of the another.

2. The applicants have referred to the reasons in paragraph no.6 of the application that they were not aware about death of respondent nos.1C, 1-F, 2A and 2B and their deaths came

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2) CA NO.15306/2016

to be known to them when the notices of Civil Application No.6167/2016 were returned unserved. Thereafter, they have collected death certificates and other documents and have filed the present application.

3. In the circumstances, learned Counsel for the respondents, though purports to resist, is not in a position to challenge the correctness, or otherwise of the reasons given in the application.

4. Looking at the matter, that this application has been moved during the pendency of the restoration of Civil Revision Application; at present, the application shall be deemed to have been allowed to the extent of bringing legal representatives of concerned deceased respondents on record in restoration application.

5. Upon the decision of the restoration application, if the

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

restoration is allowed; in that case, a treatment may be given to

(3) CA NO.15306/2016

this order as if the same has been passed for bringing legal representatives of deceased respondent no.1C and 2B on record of Civil Revision Application.

6. Learned Counsel refers to that the legal representatives - respondent nos. 1F and 2A are already on record and, as such, Respondents No.1F and 2A may be permitted to be deleted from the array of the respondents in restoration application. Leave to delete Respondents No. 1F and 2A stands granted as requested. This would have the same effect, as referred here-in-above, in case restoration application is allowed.

7. Accordingly, this Application stands disposed of.

(SUNIL P. DESHMUKH, J.)

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agp/-