

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

**CIVIL APPLICATION NO. 16729 OF 2016
IN
SECOND APPEAL NO. 275 OF 1992**

Ramrao Dhondiram Bankar **..... APPLICANT**

V E R S U S

Agricultural Produce Market Committee ... **RESPONDENT**

.....

Mr. B.R.Surwase h/f Mr. P.R.Ghanekar,
Advocate for Applicant.

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 10th FEBRUARY, 2017

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ORDER :

1. Notice had been issued of this Civil Application to the respondent and the notice on behalf of the respondent, had also been waived by Mr. Boiwar on behalf of Mr. N.R.Salunke, learned counsel who had been appearing in the Second Appeal on behalf of the respondent. On last occasion, there had been absence of appearance in the matter on behalf of the respondent and as such in order to accommodate the respondent the

matter had been adjourned and accordingly it is appearing before the Court.

2. The delay has been explained by the applicants referring to that during the pendency of Second Appeal in 1996, original appellant died and his legal representatives, present applicants, were engaged in doing business, unaware of the pendency of the proceedings. It was only when the notice from the High Court had been received at their end in the name of their father about the death of lawyer engaged by him who had prosecuted Second Appeal, the applicants became aware of the pendency of Second Appeal and thereafter the application has been immediately moved for bringing themselves on record. It is thus the delay caused in making an application for bringing legal representatives has been explained.

3. In the circumstances referred to above, the contents of the Civil Application explaining delay go uncontroverted giving an indication to a large extent that the respondent does not have particular resistance to the application. It would be expedient that Civil Application be allowed in terms of prayer clause 'B'. Accordingly, Civil

Application is allowed in terms of prayer clause 'B'. The legal representatives of appellant be brought on record. Necessary amendment be carried out accordingly. Abatement in the process also stands set aside.

4. In view of aforesaid, Civil Application stands disposed of.

[SUNIL P. DESHMUKH, J.]