

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

3 CIVIL APPLICATION NO. 5417 OF 2009
IN LPAST/7517/2009

VIJAY @ PAPPU NRAYANDAS RIZWANI AND ORS
VERSUS
NARAYANDAS NWALRAI RIZWANI

Shri. A.H. Kasliwal, Advocate, holding for for appellant.

Shri. Ganesh A. Gadhe, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

Date: 22 January 2018

ORDER:

1) The application is filed for condonation of delay of 19 days caused in filing L.P.A. to challenge the decision given by the learned Single Judge of this Court in the writ petition.

2) Notice of this application was served on the respondent. Respondent No.2 is duly served and learned Advocate Shri Ganesh A. Gadhe is present for respondent No.2. The learned counsel for the applicants submitted

that respondent No.1 was not necessary party for the present proceeding as respondent No.2 was to be added in the suit and such direction was given to the applicant, plaintiff. In view of these circumstances and the contentions made in the application, the application is allowed. Delay is condoned.

3) Notice in the LPA. The learned counsel waives notice for respondent No.2. The learned counsel for the appellants undertakes to supply copy of memo of appeal to the learned counsel for the respondent. List the LPA for final disposal on 16 February 2018.

Sd/-
(SUNIL K. KOTWAL, J.)

Sd/-
(T.V. NALAWADE, J.)

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