

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

CIVIL APPLICATION NO.6517 OF 2018
SECOND APPEAL NO.394 OF 2016

Shaikh Bhila Shaikh Abdul Raheman,
Died through L.Rs.
Shaikh Arif Shaikh Bhila & others

...APPLICANTS

VERSUS

Sulbha w/o Ashok Kulkarni & ors.

...RESPONDENTS

.....
Shri P.S. Paranjape, Advocate for applicants

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CORAM: A.M. DHAVALÉ, J.

DATED : 30th November, 2018.

ORAL ORDER :

1. This is application for condonation of delay of 5861 days in bringing L.Rs. of one of the appellants on record. Learned Advocate Shri Paranjape for the appellants submits that, his suit R.C.S. No.40/1993 was decreed and eviction decree was passed against lessee in 1996. The respondent herein had filed first appeal and one of the original plaintiffs died on 29.12.2001. Her L.Rs. were not brought on record in the first appeal. Hence, it is necessary to consider whether the first appeal itself was maintainable or not. There is no abatement of Second Appeal as the Second Appeal itself was not pending. Hence, the Civil Application is unnecessary. There is no delay. Hence, Civil Application stands disposed of. Permission granted to file the Second Appeal with legal heirs of deceased respondent. The order dated 8.10.2018 is recalled. The appeal be taken up for numbering.

(A.M. DHAVALÉ)
JUDGE

fmp/