

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION STAMP NO.24080 OF 2018
(The Vaidyanath Urban Co.op.Bank Ltd., Parali-Vajinath and others
Vs. Vishwanath s/o Dhondiba Kale (died) through LR's)

IN
CIVIL APPLICATION NO.749 OF 2009
IN
WRIT PETITION NO.2180 OF 1993

Mr.Amol Joshi, Advocate for the applicants.

Ms.R.M.Mohale h/f Mr.S.S.Choudhari, Advocate for the respondents.

(CORAM : Ravindra V.Ghuge, J.)
DATE : 10/08/2018

PER COURT :

1. By this civil application, the applicant prays for recalling the order dated 04/06/2018 to the extent of disposing of CA No.749/2009 by virtue of order dated 24/02/2012.

2. I have heard the learned Advocates for the respective sides.

3. By order dated 24/02/2012, this Court had given an opportunity to the applicant to serve the LR's of deceased respondent No.1-F. If steps were not to be taken, the civil application and the writ petition was to abate to the extent of deceased respondent No.1 in relation to (1-F). The LR's (1-A) to (1-E) have already been served and they are before this Court. It is canvassed on their behalf that

they intend to participate in these proceedings.

4. In view of the above, this civil application is allowed. The order dated 04/06/2018 is recalled only to the extent of paragraph No.2. CA No.749/2009 is allowed to the extent of bringing the LR's (1-A) to (1-E) on record. The petition would therefore stands abated to the extent of the deceased respondent in relation to the LR (1-F).

5. Consequentially, the delay of 846 days in filing CA No.749/2009 is also condoned and considering the consent of the non applicants, the petitioner shall deposit costs of Rs.5,000/- (Rs.Five Thousand only) with the Government Medical College and Hospital, Aurangabad, **through Medical Officer, High Court Dispensary, Aurangabad**, either in cash or by Demand Draft (Demand Draft be drawn in the name of "**Dean, Government Medical College and Hospital, Aurangabad CSR Fund**"), on or before 07/09/2018.

Kranti
Hansraj
Shekatkar

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6. List Writ Petition No.2180/1993 for final hearing on 27/09/2018.

(Ravindra V.Ghughe, J.)