

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

**CIVIL APPLICATION NO. 1255 OF 2016
IN SA/422/2007**

**PRABHAKAR GOVINDRAO DESHPANDE
VERSUS
INDIRABAI GORAKH MALI THROUGH GPA RAJABHAU AND OTHERS**

**WITH
CIVIL APPLICATION NO.14700 OF 2017
IN SA/422/2007**

**INDIRABAI GORAKH MALI.
-VERSUS-
PRABHAKAR GOVINDRAO DESHPANDE AND OTHERS.**

**WITH
CIVIL APPLICATION NO.14704 OF 2017
IN SA/422/2007**

**PRABHAKAR GOVINDRAO DESHPANDE
VERSUS
INDIRABAI GORAKH MALI THROUGH GPA RAJABHAU AND OTHERS**

...
Advocate for the Applicant in CA 1255/2016 and 14704/2017 : Shri
Godhamgaonkar P.G..
Advocate for the Applicant in CA 14700/2017 : Shri A.M.Gaikwad.
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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th January, 2018

Per Court:

1 Heard the learned Advocates for the respective sides.

2 In the first Civil Application No.1255/2016 filed by Respondent No.1, it is prayed that either Second Appeal No.422/2007 be abated as against the deceased Respondent No.2 (Nandkumar) or the legal heirs of the deceased Nandkumar, as shown in the cause title, be brought on record by condoning the delay of 58 days.

3 In the second Civil Application No.14700/2017, the Applicant/ original Appellant prays for condonation of delay of 956 days and for permitting the Appellant to bring the legal heirs of the deceased Nandkumar on record.

4 Considering the above, the first Civil Application is allowed to the extent of directing the Appellant to bring the legal heirs of the deceased Nandkumar on record within a period of THREE WEEKS from today. Consequentially, the second Civil Application filed by the Appellant is allowed and the delay of 956 days is condoned by imposing costs of Rs.1000/- (Rupees One Thousand) keeping in view that the second Civil Application has been filed immediately after gathering the knowledge of the demise of Respondent No.2, after receiving the copy of the first Civil Application. By consent of the learned Advocates, the above amount of Rs.1000/- shall be deposited with the Advocates Association of Bombay High Court, Bench at Aurangabad on or before 29.01.2018. Both these directions shall be scrupulously complied with.

5 Since the Second Appeal is lodged in 2007, the third Civil

Application No.14704/2017 is partly allowed to the extent of listing
Second Appeal No.422/2007 for final hearing in the weekly final hearing
board commencing from 02.04.2018.

kps

(RAVINDRA V. GHUGE, J.)