

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

CIVIL APPLICATION NO. 15748 OF 2016
IN WP/9500/2014

VIJAYA @ JAYASHRI SUSHILABAI VIRPANKAR
VERSUS
SUSHILABAI RUMBAI VIRPANKAR AND OTHERS

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Advocate for the Applicant : Shri S.V.Dixit h/f Sangeet M.L..
Advocate for Respondents 1A-1 to 1A-5 : Shri A.I.Deshmukh.
Advocate for Respondent 3 : Shri M.S.Kulkarni.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th October, 2018

Per Court:

1 Heard the learned Advocates appearing for the respective sides.

2 Delay caused in bringing the legal heirs of the deceased Respondent No.1 (Sushilabai) is about 10 years and delay caused in bringing the legal heirs of the deceased Meena, legal heir of the deceased Sushilabai, is about 03 years and 04 months. Delay caused in bringing the legal heirs of the deceased Respondent No.4 (Prakash) is not mentioned.

3 Considering that the issue involved in the pending RCS No.286/1996 is about an immovable property, this Civil Application is allowed. However, an amount of Rs.7,000/- (Rupees Seven Thousand) is

imposed as costs, to be paid by the Applicant/Petitioner. In view of the consent of the litigating sides, the said amount would be donated for the treatment of poor patients.

4 As such, the Petitioner shall pay the said amount of Rs.7000/- (Rupees Seven Thousand) as donation for the Ghati Hospital, Aurangabad (Government Medical College and Hospital, Aurangabad), to be deposited with the Medical Officer, High Court Dispensary, Aurangabad, either in cash or by Demand Draft, to be drawn in the name of "Dean, Government Medical College and Hospital Dengi Samiti, Aurangabad", on or before 25.10.2018 and produce a receipt of such deposit before the Registry of this Court on or before 30.10.2018. During this period, the Petitioner shall also bring the legal heirs of the deceased persons on record in the Writ Petition.

5 Since I have heard the learned Advocates for the parties for sometime, list Writ Petition No.9500/2014 for “passing orders” on 31.10.2018, by consent.