

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

CIVIL APPLICATION NO. 527 OF 2018
IN WP/244/2007
WITH
CIVIL APPLICATION NO.529 OF 2018
IN WP/244/2007

TRIMBAK ANNA AMBADE L.RS. KAUSHALYABAI TRIMBAK AMBADE AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Applicants : Shri Ajinkya Kale h/f Shri S.B.Talekar i/by
Talekar And Associates.
AGP for the Respondents/ State : Shri S.R.Yadav.
Advocate for Respondent 5 : Shri D.G.Nagode.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 22nd June, 2018

Per Court:

(a) Civil Application No.527/2018 :-

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

2 It is contended that the reasons set out in Civil Application No.527/2018 are self explanatory. The petition is admitted in 2007. The litigants naturally lost sight of the pending petition and it is only after they made an enquiry with their Advocate, that it was noticed that steps will have to be taken for bringing the legal heirs of the deceased Petitioner

Nos.1(iii) and 2 on record.

3 The learned Advocates for the Respondents strenuously oppose this application. It is submitted that the delay of almost 09 years and 10 months is caused in bringing the legal heirs of the deceased Petitioner No.1(iii) and delay of almost seven years is caused in bringing the legal heirs of the deceased Petitioner No.2 on record. They submit, in the alternative, that heavy costs be imposed and the amount be donated for a humane cause.

4 Considering the above and the fact that an immovable property is involved in this matter, this Civil Application No.527/2018 is allowed in terms of prayer clause "B" on the condition that the Applicants/ Petitioners shall pay an amount of Rs.10000/- (Rupees Ten 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, Aurangabad, CSR Fund" on or before 12.07.2018, failing which, this order shall stand recalled and this Civil Application shall then stand rejected on 13.07.2018, without reference to the Court.

5 If costs as above are deposited, the receipt of the same shall be placed on record and the legal heirs be brought on record on or before 27.07.2018.

(b) Civil Application No.529/2018 :-

6 Civil Application No.529/2018 for final hearing is allowed.

List Writ Petition No.244/2007 for final hearing on 02.08.2018.

7 Interim relief granted earlier shall continue subject to the compliance of the above directions.

kps

(RAVINDRA V. GHUGE, J.)