

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

CIVIL APPLICATION NO.5917 OF 2019
IN CAST/1067/2019
WITH
CIVIL APPLICATION NO.5918 OF 2019
IN CAST/1070/2019
WITH
CIVIL APPLICATION NO.5919 OF 2019
IN CAST/1072/2019
IN
WRIT PETITION NO.4241 OF 1998

CHIMA NEMA KUSALKAR THROUGH LRS DNYANDEO CHIMAJI
KUSALKAR AND OTHERS
VERSUS
YAMUNABAI VINAYAK TARKUNDE THROUGH LRS NANDKUMAR
VINAYAK TARAND ANR.

...
Advocate for the Applicants : Shri R.S.Banik h/f Shri Latange V.P.
Advocate for the Respondents : Shri M M Patil (Beedkar).
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 03rd May, 2019

Per Court:

1 Vide these Civil Applications, the Applicants, who claim to be the legal heirs and representatives of the deceased Petitioner Nos.3, 1 and 5, pray for leave to be brought on record in place of their deceased predecessor so as to prosecute Writ Petition No.4241/1998. It is stated in the Civil Applications that interim relief was granted by this Court on 08.06.2001 and the matter was admitted. As such, the applicants could

not convey to the learned advocate as regards the demise of the three petitioners. When the learned advocate communicated that the said writ petition is ready for final hearing, that the applicants realized that there was a proceeding pending and they are required to take steps.

2 The learned advocate for the respondents opposes the applications. In the alternative, it is submitted that costs may be imposed and the said amount of costs be donated for the treatment of poor patients.

3 Delay is of 05 years and 09 months in the first application, 02 years and 05 months in the second application and about 06 years in the third application.

4 In view of the above, these Civil Applications are allowed. Each legal representative of the deceased Petitioner Nos.1, 3 and 5 shall deposit an amount of Rs.500/- (Rupees Five Hundred) 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 15.06.2019 and produce a receipt of such deposit before the Registry of this Court on or before 21.06.2019. Necessary amendments would be carried out in the writ petitions on or before 21.06.2019.

5 Any default in complying with the above directions, shall result in the recalling of this order and the petition shall stand abated as against the deceased petitioner Nos.1, 3 and 5.

6 Subject to compliance of the above directions, list Writ Petition No.4241/1998 for final hearing on 11.07.2019.

kps

(RAVINDRA V. GHUGE, J.)