

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

CIVIL APPLICATION NO.4644 OF 2018
IN
WRIT PETITION NO.2418 OF 2002

RAJU NARSIMALU BACHHEWAR
VERSUS
NARAYAN PUNJAJI KHARODE & ORS.

...
Advocate for the Applicant/ Petitioner : Shri S R Barlinge
Advocate for Respondents 1 and 2 : Shri P.P.Mandlik
AGP for Respondent 3 : Shri S.R.Yadav.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th March, 2019

Per Court:

1 The writ petition has been admitted by order dated 24.02.2005 and interim relief has been granted.

2 Shri Barlinge, learned Advocate for the Applicant/ Petitioner, submits that as the writ petition was admitted and as the Petitioner is a resident of Telangana State with his power of attorney holder from a remote place in Nanded district, there is a delay of about 07 years and 03 years in bringing the legal representatives of the deceased Respondent Nos.1 and 2 on record, respectively.

3 Shri Mandlik, learned Advocate, has appeared for the legal representatives of the deceased Respondent Nos.1 and 2 and opposed the

Civil Application. He submits that the reasons assigned for seeking condonation of delay are practically missing. There is no satisfactory explanation. In fact, the Petitioner has not given proper reasons at all. In the alternative, he prays for costs.

4 Considering the above and keeping in view that the petition has been admitted 13 years ago with interim relief having been granted, ends of justice would be met by allowing the Civil Application with costs.

5 In view of the above, this Civil Application is allowed. The legal representatives of the deceased Respondent Nos.1 and 2 shall be brought on record in the writ petition on or before 11.04.2019. An amount of Rs.7000/- (Rupees Seven Thousand) shall be deposited by the Petitioner/ Applicant in this Court or shall be handed over to the learned advocate appearing for the legal representatives, on or before 11.04.2019, as costs.

6 If the above directions are not complied with, this order shall stand recalled, the Civil Application shall stand rejected and the interim relief shall also stand vacated, without reference to the Court on 12.04.2019.

7 Liberty is granted to the learned advocate appearing for the legal representatives to receive the costs directly from the Petitioner's counsel or by withdrawing the same from this Court.

8 Shri Mandlik waives service in the Writ Petition on behalf of

the legal representatives.

9 As such, list Writ Petition No.2418/2002 for final hearing on
22.08.2019.

kps

(RAVINDRA V. GHUGE, J.)