

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

912 CIVIL APPLICATION NO. 9173 OF 2014 IN
WRIT PETITION NO.399 OF 2014

MARUTI RAMCHANDRA SAUDAGAR
VERSUS
GANPAT RAMCHANDRA SAUDAGAR, DIED AND OTHERS

...
Advocate for Petitioners : Mr. S.S. Auti h/f Mr. C. R. Deshpande
Advocate for Respondent Nos. 22(1) to 22(4) : Mr. Kale Ajinkya h/f
Mr. S.B. Talekar

CORAM : M. S. KARNIK, J.

DATE : 8th AUGUST 2019

PER COURT

Heard.

2. This is an application filed by the original plaintiff for exempting him from substituting / bringing legal representatives of respondent No.11 namely Madhukar s/o Kashinath Saudagar on record in the writ petition.

3. This application is filed in view of the provisions of Order XXII Rule 4, Sub-Rule 4 of the C.P.C. In the application, it is stated that original defendant No.11/ respondent No.11 was served with the suit summons. The suit proceeded ex-parte as he has not filed

written statement in the suit. According to applicant, it is not necessary to bring his legal representatives on record in view of the provisions of Order XXII Rule 4 of the C.P.C.

4. The application is opposed by the learned counsel for the respondent Nos. 22(1) to 22(4).

5. For the reasons mentioned in the application, application stands allowed in terms of prayer Clause-"B" and disposed of accordingly.

(M. S. KARNIK, J.)

vsm/