

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

970 CIVIL APPLICATION NO.387 OF 2020
IN WP/1800/1997

LIMBA SADU MARATHE @ CHAVAN DECEASED THRO LRS
TULSHIRAM LIMBAJI CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS.

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Advocate for Applicants : Mr. Natu Sharad V.
AGP for Respondents: Mr. A. B. Chate
Advocate for Respondents 2 and 3 : Mr. C.R. Deshpande
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CORAM : V. K. JADHAV, J.
DATED : 21st FEBRUARY, 2020

PER COURT:-

1. Learned counsel for the applicants submits that the power of attorney for original petitioner Limba was prosecuting the matter during his life time. However, during pendency of the writ petition, the original petitioner Limba Marathe died. However, the said power of attorney neither informed this fact to the applicants i.e. legal heirs nor taken any steps in the matter and therefore, delay occurred.

2. Learned counsel appearing for the respondents, on instructions, submits that civil application may be allowed subject to payment of costs. The death certificate is annexed to the application.

3. In view of the submission made on behalf of the respondents and for the reasons stated in the civil application, civil application is allowed in terms of prayer clauses "A" and "B" subject to payment of

costs of Rs.5000/- to be paid to the respondents. Civil application is disposed of.

4. The applicants to carry out the amendment within 14 days from today.

5. List the writ petition, which is of the year 1989, on 09.04.2020.

(V. K. JADHAV, J.)

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