

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**3 CIVIL APPLICATION NO.1361 OF 2018
IN
LETTERS PATENT APPEAL NO.54 OF 2000**

Amrut Wamanrao Kotkar and Ors .. Applicants

Versus

The State of Maharashtra and Ors .. Respondents

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WITH

**CIVIL APPLICATION NO.4193 OF 2018
IN
LETTERS PATENT APPEAL NO.69 OF 2000**

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Lata Shankar Sontakke .. Applicant

Versus

The State of Maharashtra & Others .. Respondents

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Mr. R.L. Kute, Advocate h/f. Mr. A.M. Gaikwad, Advocate for the
Applicants in CA No.1361 of 2018

Mr. I.S. Godsay, Advocate h/f. Mr. M.N. Navandar, Advocate for the
Applicant in CA No.4193 of 2018

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WITH

**CIVIL APPLICATION NO.2102 OF 2002
IN
LETTERS PATENT APPEAL NO.53 OF 2000**

Shamsunder Anant Adawadkar

.. Applicant

Versus

Shri. Swati Samartha Co-op. Hsg. Society & Ors .. Respondents

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Mr. D.S. Bagul, Advocate a/w. Mr. Dinkar Anant Adawadkar, Advocate
for the Applicant

...

WITH

**LETTER PATENT APPEAL NO.54 OF 2000
WITH CA/13310/2018 IN CA/5990/2018
WITH LPA/69/2000 WITH LPA/53/2000**

...

**(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)**

DATE : NOVEMBER 22, 2021

PER COURT :

1. Civil Application Nos.4193 of 2018 and 1361 of 2018 have been filed for bringing the LR's of deceased respondent nos.5 and 7, namely Shamsundar Anant Adawadkar, on record in both the Letters Patent Appeals.

2. Despite service of notice on the LR's of deceased Shamsundar, no appearance has been entered. The Letters Patent Appeals are before the Court since 2000. In these circumstances, we do not find that the

delay of around 1091 days caused in filing the Civil applications, could be termed as being deliberate.

3. Taking into account the peculiar facts of the case, the delay of three years in bringing the LR's on record in a Letters Patent Appeal which has been pending before us for the past 21 years, would deserve condonation.

4. As such, Civil Application Nos.4193 of 2018 and 1361 of 2018 are allowed. The LR's of deceased respondent - Shamsundar shall be brought on record on or before 03-12-2021.

5. Shri. D.S. Bagul, learned Advocate representing deceased Shamsundar in Civil Application No.2102 of 2002, seeks discharge as the LR's have not approached him despite service of Court notice. Needless to state, the appearance of Shri. Bagul on behalf of deceased Shamsundar stands discharged.

6. Re-issue notice to the L.Rs. of deceased Shamsundar, returnable on 07-12-2021.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)