

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5494 OF 2021
IN
WRIT PETITION NO.2989 OF 2016
(Suresh Kisanrao Gaikwad and others Vs. Machindra Bhanudas Kulange
and others)

Mr. N.B. Narwade, Advocate for the applicants
Mr. A.A. Jagatkar, A.G.P. for the respondent/State
Mr. N.C. Garud, Advocate for respondent Nos.1 to 5, 7(A to E),
8A to 8E.

CORAM : MANGESH S. PATIL, J.

DATE : 11.10.2021

PER COURT :

Heard both the sides.

2. Though the petitioner, who is the original defendant, is aggrieved by an order whereby his defence has been struck out under Order XXXIX Rule 11 of the Code of Civil Procedure, he is equally lethargic even in prosecuting the present writ petition.

3. Respondent No. 8 has died on 11.07.2017. The present application has been filed for bringing on record his legal representatives by condoning the delay. However, no efforts are made even to calculate the delay even while a request for condoning delay is being made.

4. Considering the nature of the dispute and all the aforementioned facts and circumstances, the application is allowed. The delay is condoned subject to the applicants/petitioners paying an amount of Rs.5000/- to the other side/original plaintiffs within a period of two weeks.

5. After such deposit/payment is made, necessary amendment be carried out immediately and thereafter, the writ petition be listed for admission after six weeks.

[MANGESH S. PATIL]
JUDGE