

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

**26 CIVIL APPLICATION NO.10797 OF 2019
IN WP/5255/2019
WITH CA/10798/2019 IN WP/5255/2019**

THE AGRICULTURAL PRODUCE MARKET COMMITTEE VAIJAPUR
THROUGH SECRETARY

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Shri R.R.Karpe h/f. Shri Yogesh D.Kale

AGP for Respondents-State : Shri P.M.Kulkarni

Advocate for Respondent No. 4-A & 4-B : Shri A.D. Kasliwal

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CORAM : M.G.SEWLIKAR, J.

DATE: 26th February, 2021

PER COURT:-

1. Heard Shri R.R.Karpe, learned counsel holding for Shri Y.D.Kale, learned counsel for the applicant and Shri A.D.Kasliwal, learned counsel for respondent Nos.4-A and 4-B.
2. Shri Kasliwal, learned counsel states that in Civil Application No.10797 of 2019, his name is shown as the counsel for respondent Nos.6-B to 6-D. He states that he has not filed any appearance for respondent Nos.6-B to 6-D.
3. Office to verify and make the corrections accordingly.
4. So far as legal heirs of respondent No.4 are concerned, Shri Kasliwal, learned counsel states that in Civil Application No.10798 of 2019, he has filed appearance for respondent Nos.

4-A and 4-B. He states that he will appear for respondent Nos.4-A and 4-B in Civil Application No.10797 of 2019 too. He waives service of notice for respondent Nos.4-A and 4-B in both the applications.

5. In Civil Application No.10797 of 2019, though, respondent Nos.6-B to 6-D are served, none appeared for them.

6. In view of above, Civil Application No.10798 of 2019 for bringing legal heirs of respondent No.4 on record and Civil Application No.10797 of 2019 for bringing legal heirs of respondent No.6 on record, are allowed. Delay is condoned. Abatement is set aside.

7. Issue notice to the respondents in Writ Petition. Shri Kasliwal, learned counsel waives service of notice for respondent Nos.4-A and 4-B. Shri P.M.Kulkarni, learned AGP waives service of notice for the respondents-State.

8. Leave to amend is granted.

(M.G.SEWLIKAR)
JUDGE

SPT