

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

**CIVIL APPLICATION NO.7719 OF 2021
IN
SECOND APPEAL NO.665 OF 2018
WITH CA/10210/2021 IN SA/665/2018 WITH CA/4736/2021 IN
SAST/27255/2018 WITH CA/4737/2021 IN SAST/27255/2018 WITH
CA/9940/2018 IN SA/665/2018 WITH SA/732/2018**

**DURGABAI KHUSHALCHAND RATHI LRS BANSILAL AND OTHERS
VERSUS
SADAKUNNWAR PANNALAL BHARADIYA LRS PANNALAL AND OTHERS**

...

Advocate for Applicant in CA/7719/2021 in SA/665/2018: Mr. V.S. Undre
Advocate for Respondent No.3 in CA /7719 / 2021 in SA/665/2018 :
Mr. R.G. Nirmal h/f. Mr. S.S. Gangakhedkar
Advocate for Respondent SAST/27255/2018 : Mr. S.N. Patil h/f. Mr. N.V.
Gaware
Advocate for respondent No.1A to 1C in CA/7719/2021 in SA/665/2018 :
Mr. R.R. Sancheti
Advocate for respondent Nos.6A-1 to 6A-4 in CA/7719/2021 in
SA/665/2018 : Mr. S.N. Patil

...

CORAM : MANGESH S. PATIL, J.

DATE : 17.02.2022

PER COURT :

This is an application for setting aside abatement and to bring on record the legal representatives of deceased respondent No.6A with a prayer to condone the delay.

2. I have heard the learned advocate for the proposed LR's.
3. For the reasons mentioned in the Application coupled with the nature of the dispute, the Application is allowed. The delay is condoned.

The LR's of the respondent No.6A are allowed to be brought on record. Necessary amendment to be carried out within two weeks. After such amendment, issue notice to the respondent Nos.6A-1 to 6A-4. Learned advocate Mr. Patil holding for Mr. Gaware waives service on their behalf in the Second Appeal also.

4. Learned advocate Mr. Patil holding for Mr. Gaware for the appellant in Civil Application No.4736/2021 in Second Appeal (ST) No.27255/2018 undertakes to furnish fresh address of the respondent No.2A-3 within a week. On such address being furnished. Issue notice to him, returnable on 24.03.2022 from today.

5. Even Mr. Undre in Second Appeal No.665/2018 makes a same request, issue notice to the respondent No.2A-3 even in that Appeal, returnable on 24.03.2022 from today.

6. Hamdast is allowed in both the matters.

(MANGESH S. PATIL, J.)

habeeb