

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

**CIVIL APPLICATION NO. 6575 OF 2022
IN/AND
SECOND APPEAL NO. 359 OF 2017**

Lalitmohan Dattuprasad Mishra
Since deceased, through L.Rs.
Subhash Lalitmohan Mishra and Others ..APPLICANTS

VERSUS

Prakash Dattuprasad Mishra and Others ..RESPONDENTS

....

Mr. R.S. Deshmukh, Senior Advocate i/b Mr. T.M. Venjane, Advocate for applicants

Mr. B.N. Patil, Advocate for respondent no.1

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**CORAM : R.G. AVACHAT, J.
DATE : 13th SEPTEMBER, 2022**

PER COURT :

1. There are composite prayers in this civil application. First to bring on record legal representatives of the deceased Appellant No.C after setting aside the abatement of appeal on condoning the delay in preferring the application for setting aside the abatement. The other prayer is for bringing on record legal representatives of the deceased Respondent No.5-A.

2. After having heard learned counsel for a while, it appears that notice is required to be issued in the appeal. In view of the same, application is allowed so far as regards bringing on record legal representatives of the

deceased appellant is concerned, subject to cost of Rs.1,00,000/- (Rupees One Lakh). The cost shall be deposited with this Court within a period of two weeks. On depositing cost, the same shall be paid to the contesting respondents viz. original plaintiffs.

3. After addition of legal representatives, issue them notice in second appeal, returnable on 04th October, 2022. Mr. B.N. Patil, learned counsel waives service of notice for Respondent No.1.

(R.G. AVACHAT, J.)

SSD