

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

CIVIL APPLICATION NO. 11313 OF 2022
WITH
CIVIL APPLICATION NO. 9206 OF 2006
IN
SECOND APPEAL NO. 883 OF 1999

NANDABAI JAGANNATH TOPE(DIED)JAGANNATH and ORS.
VERSUS
BHANUDAS GOPINATH NEVPUTE(DIED)RUKHMINIBAI and ORS.

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Advocate for Applicants : Ms. Yashashree S. Mulay(Pawar) h/f Mr. Patil
Milind M. (beedkar)

Advocate for Respondents : Mr. S. S. Jadhavar

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CORAM : BHARAT P. DESHPANDE, J.
DATE : 2nd AUGUST 2022.

Per Court :

Heard.

1. The applications are filed alongwith the prayer of condonation of delay and setting aside abatement if any. Learned Counsel for the Applicants submits that Applicant No.1-D by name Vaijanath S/o Jagannath Tope, expired on 05.12.2002. He submits that LR's of

Appellant No.1-D are necessary for the purpose of withdrawing of the Second Appeal.

2. Learned Counsel for the Respondents is having no objection for allowing the present appeal including condonation of delay.

3. In view of the above submissions and the fact that the Appellant wants to withdraw the Second Appeal, the application could be allowed. Legal heirs of Appellant No.1-D are permitted to be brought on record. The cause title of the Second Appeal be amended forthwith. The delay in bringing LRs stands condoned. The abatement if any stands set aside.

4. Applications are disposed of accordingly.

[BHARAT P DESHPANDE, J.]

Najeeb.