

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

**CIVIL APPLICATION NO.13120 OF 2016 IN
SECOND APPEAL NO.1575 OF 2004**

Shahaji s/o Anandrao Shirole & anr. ... **APPELLANTS**

VERSUS

Dhondyabai w/o Bhujangrao & ors. ... **RESPONDENTS**

.....
Mr. P.P. Mandlik, Advocate for applicants
Mr. O.D. Totawad, Advocate holding for
Mr. C.R. Thorat, Advocate for respondents No.1 to 3
.....

CORAM : R. G. AVACHAT, J.

DATE : 28th SEPTEMBER, 2022.

PER COURT :

One of the respondents, namely respondent No.4 passed away in 2008. He appears to be necessary party to the suit, in appeal. The present Civil Application has been filed for bringing on record the legal representatives of deceased respondent No.4 by setting aside abatement after condonation of delay. The notice of this Civil Application was served on the proposed legal representatives of respondent No.4. None has marked appearance on their behalf. The Civil Application is allowed in terms of prayer clauses B, C, D and E, subject to

payment of costs of Rs.5000/- (Rupees five thousand) within a period of two weeks from today. The amount of cost to be paid in this Court. The same, in turn, shall be paid to National Law University, Aurangabad. Amendment to be carried out within one week. Once the legal representatives are brought on record, issue them notice of the Second Appeal, returnable four weeks thereafter.

2. It is informed that, interim relief is in operation in the matter. Interim relief, if any, to continue.

(R. G. AVACHAT, J.)

fmp/-