

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2249 OF 2014
IN SA/675/2004 WITH WP/4729/2003 WITH SA/48/2002 WITH
CA/12654/2009 IN SA/675/2004

DHONDIBA MARUTI DUDBHATE
VERSUS
MAHMOD IBRAHIM PATEL, L.RS. AGNI AND OTHERS

...

Advocate for Applicant : Mr. P.S. Chavan
Advocate for Respondent : Mr. V.C. Solshe

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CORAM : MANGESH S. PATIL, J.

DATE : 17.02.2022

PER COURT :

This is an Application for setting aside the abatement of the Appeal *qua* the respondent No.3 with a prayer to condone the delay and to bring on record his legal heirs.

2. Notices were issued to the proposed legal representatives of the respondent No.3. They have been served but have not appeared.

3. Learned advocate Mr. Solshe who appears for some of the other respondents opposes the Application.

4. Having heard both the sides and perusing the Application, couple with the nature of the dispute, the Application is allowed. The delay is condoned. Abatement is set aside. The legal representatives are allowed to be brought on record. Amendment to be carried out within two weeks. If such amendment is carried out, issue notice in the Second Appeal to the LR's of the respondent No.3 to be added, returnable on 31.03.2022 from today.

(MANGESH S. PATIL, J.)