

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CIVIL APPLICATION NO.13056 OF 2021
IN WP/3379/2006

NANDRYA AKAHTYA GAVIT AND OTHERS
VERSUS
PARBATABAI KOMAN GAVIT DIED THR LRS VASANTIBEN DHANJIB

...
Advocate for Applicants : Mr. A.A. Joshi h/f. Mr. Natu Sharad V.
Advocate for the respondents 1 and 2 : Mr. R.S. Wani
...

CORAM : MANGESH S. PATIL, J.

DATE : 21 JUNE 2022

PC :

This is an application for bringing on record the legal representatives of the petitioners no.2 and 3 with a prayer to condone delay of 190 days and 4596 days respectively.

2. I have heard learned advocates for both the sides. In fact, there are four petitioners which are the original plaintiffs who had filed a suit for declaration of their ownership of the suit property and perpetual injunction. The suit was dismissed. They intended to prefer an appeal but since there was delay, they prayed for condonation of the delay which was allowed subject to payment of costs. Even the costs were not deposited and subsequently, even the lower appellate court refused them permission to deposit costs after the lapse of time. Aggrieved thereby, the petitioners are before this court. Rule has been granted way back in the year 2007. It is during pendency of the writ petition awaiting final hearing that the petitioners no. 2 and 3 have died.

3. Considering all the afore-mentioned facts and circumstances, the cause of action would survive to the surviving petitioners. There is no question of abatement. The application is allowed.

4. Place the writ petition on 29-07-2022.

[MANGESH S. PATIL]
JUDGE

arp/