

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

**915 CIVIL APPLICATION NO.176 OF 2017
IN CA/4583/1994**

**PRAMILABAI SADASHIV JAGTAP
VERSUS
GANPAT MURLIDHAR BANKAR (DECEASED) LRS
KRISHNABAI (DECEASED) AND OTHERS**

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Advocate for Applicant : Mr. P.P. Dhorde
Advocate for Respondent Nos.1C & 1D : Mr. Y.H. Lagad h/f.
Mr. R.R. Karpe

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CORAM : MANGESH S. PATIL, J.

DATE : 31-03-2022

PER COURT :

. Heard both the sides.

2. The Second Appeal was abated on account of death of sole respondent namely Ganpat Murlidhar Bankar. By the order dated 17-04-2015 in Civil Application No.4583 of 1994 the abatement was set aside by condoning the delay, but subject to depositing cost of Rs.5,000/- within three weeks. The time was further extended by the order dated 19-06-2015 upto 25-06-2015. Since the cost was not deposited in time, the original order stood recalled. By way of this application, request is now being made to permit the applicants / appellants to deposit the costs.

3. The other side opposes the application.
4. Taking into consideration the grounds mentioned in the application, the cost of Rs.5000/- are allowed to be deposited, but in addition the appellants shall deposit additional cost of Rs.5,000/- and both these amounts shall be deposited within three weeks, failing which this order shall stand recalled.
5. The respondents shall be entitled to claim both these costs.

(MANGESH S. PATIL)
JUDGE

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