

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

**CIVIL APPLICATION NO. 694 OF 2018
IN
SECOND APPEAL NO. 17 OF 2017**

Shamrao Govindrao Koli
(Deceased) Through L.Rs.
Sheshrao Shyamrao Koli and Others

..APPLICANTS

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. S.P. Urgunde, Advocate for applicants

Mr. Ravi Khandebharad, Advocate h/f Mr. S.M. Vibhute, Advocate for
respondent no.4

Mr. R.G. Nirmal, Advocate h/f Mr. V.V. Kabade, Advocate for respondent no.7

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CORAM : R.G. AVACHAT, J.

DATE : 13th SEPTEMBER, 2022

PER COURT :

1. Heard learned counsel for the applicants and learned counsel for
the contesting parties.

2. This Court, vide order dated 13th July, 2017, dismissed the second
appeal observing that the second appeal stood abated for want of taking steps
to bring on record legal representatives of deceased – Respondent No.10. The
said order is now sought to be recalled by the present application.

3. The record indicates that deceased – Respondent No.10 was a formal party. Respondent Nos.1 to 9 were very much before the Court. Respondent Nos.4 to 9 were contesting the second appeal. In the interest of justice, present civil application deserves to be allowed in terms of prayer clause (A).

(R.G. AVACHAT, J.)

SSD