

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

**CIVIL APPLICATION NO. 3482 OF 2023
IN SECOND APPEAL NO.277 OF 2002**

**SHAIKH PAPAMIYA CHANDBHAI DIED LRS. SHAIKH ASPIYA
PAPAMIYA AND ORS.
VERSUS
RUPCHAND NANA BHANE and ORS.**

Mr. V. R. Dhorde, Advocate for the applicant

Mr. S. R. Sapkal, Advocate for respondent Nos. 1, 6 to 13, 15

CORAM : R. M. JOSHI, J.

DATE : 23rd MARCH, 2023

PER COURT :-

1. There is a delay of 365 days in making application for recalling of order dated 12/01/2022 passed by the learned Registrar (Judicial).

2. In view of the fact that the legal representative of deceased respondent was already on record, there is no question of abatement against the deceased respondent. Hence the delay deserves to be condoned.

3. This application is filed for setting aside the order of abatement against deceased respondent No.3A on the ground that the legal representative of this deceased is already on record being

respondent No.3B.

4. In view of this the order passed by learned Registrar dated 12/01/2022 is set aside. Applicant is given liberty to mention against the name of respondent No.3A as deceased. Application is allowed in terms of prayer clauses 'A', 'B' and 'C'.

(R. M. JOSHI, J.)

ssp