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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5917 OF 2011
IN
SECOND APPEAL (STAMP) NO. 18770 OF 2009

Bainabai Bhanudas Rathod
and another

... Applicants

Versus

Bhanudas Samla Rathod
and others.

... Respondents

...
Mr.P.G. Godhamgaonkar - Advocate for the applicants.
Mr. M.D. Narwadkar – Advocate for Respondent nos.1 and 2.

....
CORAM : GAURI GODSE, J.
DATE : 23rd February, 2023

PER COURT :

1. The applicants are granted leave to amend the prayer to mention number of days delay caused in filing the application. Amendment to be carried out forthwith.
2. This application is for bringing on record names of heirs and legal representatives of deceased respondent no.5. There is delay in filing the application. Office remark shows that notices to the heirs and legal representatives of deceased respondent no.5 are

served. None appears for them. There is no opposition to the present civil application.

3. For the reasons stated in the application, the delay is condoned. Abatement is set aside. Civil Application is allowed in terms of prayer clauses "A" and "B", which read thus :

"A. This application be granted and delay of 1900 days be condoned, by setting aside abatement order dt. 19.03.2010.

B. Heirs of the respondent No. 5 namely respondent Nos.5-A and 5-B be recorded."

4. Amendment to be carried out within three weeks.

[GAURI GODSE, J.]