



This order is corrected vide speaking to the minutes order dated 27.9.2024.

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

**922 CIVIL APPLICATION NO. 1769 OF 2014
IN
CIVIL APPLICATION NO.818 OF 2012
IN
WP NO.46 OF 1992**

Syed Haseeboddin s/o Syed Allauddin.

VERSUS

Govind Hanmanta And Others

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Advocate for Applicant : Mrs. Ansari A.N.

Advocate for Respondent No. 5-2 : Mr. P.P. Mandlik

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 23, 2024

PER COURT :-

1. Heard Ms. Ansari, learned advocate appearing for the applicant. She submits that in pursuance of the bailiff report dated 22.3.2012, applicant came to know about death of respondent nos.2,3, and 5. immediately after getting knowledge, she has filed present civil application. Therefore, although, there is technical delay in filing this application it is not intentional.

2. Mr. Mandlik, learned advocates appearing for respondents vehemently opposed the prayers. He would submit that composite application is filed to bring L.Rs. of three deceased respondents, which is unknown to the

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procedure prescribed. He would further submit that death certificates of respective respondents are not annexed. Explanation of the delay is not plausible.

3. Having considered the submissions advanced, it appears that in affidavit-in-reply, respondents have not denied that petitioner got knowledge regarding death of deceased respondent nos.2,3 and 5 only after receipt of the bailiff report dated 22.3.2012. Even, it is not denied that all these respondents died prior to issuance of notice in the writ petition and the proposed L.Rs. are only the L.Rs. of deceased respondents. In that scenario, there is no impediment to allow the application, however, some costs is required to be imposed in facts and circumstances of the case.

4. Consequently, civil application is allowed in terms of prayer clause 'B and C' subject to condition that applicant deposits costs of Rs.5,000/- (Rs. Five Thousand) with the Library, Advocates' Association of High Court of Bombay, Bench at Aurangabad. Amendment to be carried out within a period of two weeks from today. CA stands **disposed off**.

(S. G. CHAPALGAONKAR, J.)

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