



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

**918 SECOND APPEAL NO. 364 OF 2023
WITH
CIVIL APPLICATION NO. 7938 OF 2024
IN SA/364/2023**

**WITH
CIVIL APPLICATION NO. 8313 OF 2023
IN SA/364/2023**

**WITH
CIVIL APPLICATION NO. 7935 OF 2024
IN SA/364/2023**

**DEVIDAS BABURAO KOMATI (BHINGARE) DIED THR LRS
KAMLESH AND ORS**

VERSUS

**RAJJAK MUSA KHATIK DIED THR LRS JAVED DIED THR LRS
AMINA AND ORS**

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Mr. V. D. Khivesara h/f Bajaj Anil S., Advocate for Appellants
Mr. Subodh P. Shah, Advocate for Respondent Nos.1/a/1 to 1/a/5,
1/c to 1/e, 1/f/1, 1/f/2 & r/1/g

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 09/08/2024.

P. C. :

A) ORDER IN CIVIL APPLICATION NO.7935 OF 2024 :-

1. The applicants are seeking service to respondent No.1B-2 to 1B-3 and 1B-6 by way of paper publication since they could not be found on the given address.

2. In view of the above, the application stands allowed in terms of prayer clauses-B-1, B-2 & B-3 subject to payment of necessary charges directly to the concerned newspapers.
3. Application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.7938 OF 2024 :-

1. Leave to add delay period in prayer clause-A.
2. Heard rival submissions.
3. The applicants are seeking permission to bring on record legal representatives of respondent no.11- Rashid Ahmed Khatik, who admittedly died on 14/08/2023 by condoning the delay of 106 days.
4. Though the application is opposed, but considering the right to sue, application stands allowed in terms of prayer clause -A & B subject to cost of Rs.500/- to be paid to the Registry, High Court, Aurangabad for utilization of Dispensary, High Court Aurangabad.
5. Amendment be carried out within stipulated period and after deposit of costs.
6. Application is accordingly disposed of.

C) ORDER IN SECOND APPEAL NO.364 OF 2023 AND CIVIL APPLICATION NO.8313 OF 2023 :

1. Stand over to 20/09/2024.
2. Interim relief to continue till then.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-