



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

**908 CIVIL APPLICATION NO. 9293 OF 2023
IN SAST/18733/2023**

1/A. DILIP PANDURANG RATHOD DIED THR LRS USHA
DILIP RATHOD AND OTHERS

VERSUS

PANDURANG MANNA RATHOD AND ORS

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Mr. Sujit S. Kulkarni h/f Mr. Shinde Siddharth Y., Advocate for
Applicants

Mr. Krushna S. Solanke h/f Mr. Lavte A. V., Advocate for
Respondent Nos.1 to 5

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 11/06/2024.

P. C. :

1. Heard rival submissions.
2. The applicants / appellants, who are the legal representatives of original plaintiff, are seeking condonation of delay of 683 days in filing the second appeal. The learned counsel for the respondents strongly opposed the application. But it seems that just before passing impugned judgment, the original plaintiff had committed suicide and therefore the present applicants being minor at the relevant time, could not take immediate steps to file appeal. In view of the same and considering the right to sue, the application

stands allowed in terms of prayer clause-B subject to deposit of costs of Rs.1,000/- to be paid to High Court Dispensary, within four weeks. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-