



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

14 CIVIL APPLICATION NO. 10041 OF 2023
IN SECOND APPEAL NO. 592 OF 2006
WITH
CIVIL APPLICATION NO. 10043 OF 2023 IN SA/592/2006
WITH
SECOND APPEAL NO. 592 OF 2006

SHRIDHARACHARYA RAMACHARYA JOSHI THROUGH L.RS.
KRISHNABAI SHRIDHARACHARYA JOSHI AND OTHERS
VERSUS
MADHAVACHARYA RAMCHARYA JOSHI THROUGH L.RS.
NAGARBAI AND OTHERS

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Ms. Manisha Dalave h/f. Mr. S.B. Talekar and Talekar &
Associates – Advocate for Applicants
Mr. R.P. Adgaonkar – Advocate for Respondent Nos.3.1 to 3.4

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 29th January, 2024

PER COURT :

1. Heard rival submissions.
2. The applicants are seeking recalling of abatement order dated 18.01.2012 in respect of deceased respondent No.3 in Civil Application No.10041 of 2023. Similarly, the applicants are also seeking permission to bring legal representatives of deceased respondent No.3 on record in Civil Application

No.10043 of 2023. In both the applications there is huge delay around 4500 days.

3. Learned Counsel appearing for legal representatives of deceased respondent No.3 strongly opposed the applications on the ground that, such inordinate delay cannot be condoned.

4. However, despite abatement order against deceased respondent No.3 due to his death, the present appeal could not be heard and it is still pending. In view of the same, the abatement order in respect of deceased respondent No.3 can be set aside by bringing his legal representatives on record in the interest of justice.

5. In view of the same, both the Civil Applications are allowed subject to cost of Rs.10,000/- (rupees Ten Thousands only) to be paid to legal representatives of deceased respondent No.3, within the period of two weeks.

6. The delay in both the applications stands condoned and

the abatement order dated 18.01.2012 in respect of respondent No.3 is set aside and the legal representatives of deceased respondent No.3 are permitted to be brought on record after deposit of cost.

7. The applications are accordingly disposed of.

8. List the appeal on 12th February, 2024.

[SANDIPKUMAR C. MORE]
JUDGE