



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

**CIVIL APPLICATION NO. 2569 OF 2025
IN WP/5897/2011**

**LIMBRAJ WAMAN YEDE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...

Mr. Girish K. Thigale (Naik), Advocate for Applicants.
Mr. P. S. Dighe h/f Mr. V. R. Dhorde, Advocate for Respondent
No.5.

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 16th APRIL, 2025.**

P.C.:-

1. Leave to add legal representatives of deceased respondent no.5 as party to this application.
2. By this application, applicants seek restoration of Writ Petition No.5897/2011, that has been dismissed for default vide order dated 18.02.2025.
3. Mr. Thigale, learned Advocate appearing for applicants submits that infact matter was posted for taking steps against deceased respondent no.5 and such an information was not available with learned Advocate at the relevant time. Even, applicants suffering from illness and as such, there was communication gap.
4. The learned Advocate appearing for respondents strongly opposes application stating that inspite of several chances, no steps were taken to bring legal representatives of deceased respondent no.5 on record. As such, default on the part of applicants was intentional and deliberate, which cannot be pardoned.

5. Considering submissions advanced and reasons as stated in application, it would be appropriate to grant one more opportunity to applicants to argue matter on merit and render decision accordingly. The inconvenience caused to respondents can be compensated by awarding certain cost.

6. In that view of the matter, Civil Application is allowed subject to condition that applicants pay cost of Rs.7000/- to the proposed legal representatives of deceased respondent no.5 as made party to this application within a period of two weeks from today.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2025