



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

910 CIVIL APPLICATION NO. 15020 OF 2023
IN SA/958/2004

TARABAI RATAN NIMROT AND ORS

VERSUS

POPAT NANDRAM TATU AND ORS

...

Advocate for Applicants : Mr.S. A Dhengle

Advocate for Respondent Nos.1 ,3 and 4 : Mr. Ajit Gaikwad Patil

...

WITH
CIVIL APPLICATION NO. 15021 OF 2023 IN SA/958/2004

CORAM : ROHIT W. JOSHI, J.

DATE : 13th MARCH, 2025

P.C.:

CIVIL APPLICATION NO. 15020 OF 2023

1. The legal representatives of deceased respondent No.2 are served, however, there is no appearance on their behalf.
2. Respondent No.2 has expired. There is a delay of 1315 days in filing application for bringing his legal representatives on record. It is stated that the applicants were not aware about the death of respondent No.2 and likewise intimation about demise of respondent No.2 also not given as contemplated in Order XXII Rule 10A.
3. The second appeal is of the year 2004 and appeals of previous years also pending for final hearing, the delay has therefore not adversely affected to the further progress of hearing of the appeal. In

that view of the matter, I am inclined to condone the delay of 1315 days caused in filing application for bringing legal representatives of respondent No.2 on record, to set aside the abatement of appeal against respondent No.2 and also to permit the names of respondent Nos.2A to 2C to brought on record in place of deceased/Respondent No.2

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4. Respondent Nos.1, 3 and 4 states that the copy of the application is not served on him. Learned Counsel for the applicant is directed to serve the copy of the civil application immediately.

5. Learned Counsel for Respondent Nos.1,3 and 4 seeks two weeks time to file affidavit in reply. Affidavit in reply be filed on or before 27.03.2025. In the event, the affidavit in reply is not filed, application will be heard without reply.

6. Stand over to 03.04.2025.

[ROHIT W. JOSHI J.]

Narwade/