



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 SECOND APPEAL NO. 406 OF 1980

Dattu Santu Budha, And Ors.

VERSUS

Ammenabai, died Per L.rs.mahmoodabi.

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Advocate for Appellant : Ms. Preeti R. Wankhade

Advocate for Respondents : Mr. Faij Khan Jarif Khan

Advocate for Respondents : Mr. Rajendra Wagh

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WITH

CIVIL APPLICATION NO. 8574 OF 2022 WITH
CIVIL APPLICATION NO. 8855 OF 2015 WITH
CIVIL APPLICATION NO. 8856 OF 2015 WITH
CIVIL APPLICATION NO. 4739 OF 2025 WITH
CIVIL APPLICATION NO. 3382 OF 2025

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 25th AUGUST, 2026

PER COURT :-

1. In civil application No. 3382 of 2025, learned advocate for the applicant submits that the costs amount of Rs.15,000/- is deposited. In view of the same, the civil application No.3382 of 2025 has become infructuous. The said application is therefore, disposed of as infructuous.

2. In so far as civil application No. 4739 of 2025 is concerned, the same was filed for condonation of delay caused in filing civil application No.12154 of 2024 for bringing the legal representatives of

respondent Nos.1/2-g on record and for setting aside the abetment. The civil application No. 12154 of 2024 was allowed with condonation of delay. However, while disposing of the said application, inadvertently the order of disposal of civil application No. 4739 of 2025 was not passed. Upon hearing both sides, this Court found that by mistake that order was not passed in which delay of 2642 days already condoned. In view of above, civil application No. 4739 of 2025 is disposed of.

3. In so far as civil application No. 8856 of 2015 is concerned, the same is filed for condonation of delay and bringing the legal representatives of respondent No.2 on record. Perused the application. Heard learned advocate for the applicants and learned advocate for the respondents. Learned advocate for the respondents strongly opposed the application. Considering the reasons stated in the application, the application deserves to be allowed, in the interest of justice, as prayed for. The application therefore, is allowed. Amendment to be carried out within a week from today. Abetment, if any, is set aside.

4. In so far as the civil application No. 8855 of 2015 is concerned, the same is filed for condonation of delay and bringing the legal representatives of appellant Nos.1 and 2 on record.

Perused the application. Heard learned advocate for the applicants and learned advocate for the respondents. Learned advocate for the respondents strongly opposed the application. Considering the reasons stated in the application, the application deserves to be allowed, in the interest of justice, as prayed for. The application therefore, is allowed. Amendment to be carried out within a week from today. Abetment, if any, is set aside.

5. Learned advocate for the appellants and respondents are made aware that the appeal is of the year 1980 and it has to be heard and decided on priority basis. Learned advocates for the parties are therefore, directed to remain present and argue the matter on the next date.

6. Stand over to 02.09.2026 at 2.30 p.m.

(SANJAY A. DESHMUKH, J.)

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