

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

**CIVIL APPLICATION NO. 14633 OF 2016
IN
WRIT PETITION NO. 2581 OF 2005**

Asaram Maktaji Shikare Died
Through L.R. Vimal Asaram Shikare
and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Shri Avishkar S. Shelke, Advocate for Applicants.
Ms. P. V. Diggikar, A.G.P. for the Respondent No. 1.
Shri S. T. Shelke, Advocate for Respondent Nos. 2 to 4.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 18TH NOVEMBER, 2016.

PER COURT :

. Issue notice to respondents. The learned A. G. P. waives notice for respondent No. 1. Mr. Shelke, the learned counsel waives notice for respondent Nos. 2 to 4.

2. This is an application seeking condonation of delay caused in filing the application for bringing on record the legal heirs and for bringing the legal heirs on record.

3. It is trite that, abatement has to be strictly construed and an application for setting aside abatement has to be liberally construed.

4. Considering the above, the civil application is allowed in terms of prayer clauses 'B' and 'C'. The civil application is disposed of.

5. Necessary amendment be carried out within a period of 14 days from today.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]