

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**935 CIVIL APPLICATION NO.14909 OF 2018  
IN FA/829/2013**

THE DEPUTY CHIEF EXECUTIVE ENGINEER,  
(CONSTRUCTION) CENTRAL RAILWAY, DIVISION SOLAPUR  
VERSUS  
SHESHERAO S/O BAPURAO PAWAR (DIED) THROUGH  
LEGAL HEIRS

...  
Advocate for applicant : Mr. D. V. Soman.  
Advocate for Respondent : Mr. V. G. Sakolkar.

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**CORAM : SMT.VIBHA KANKANWADI, J.**  
**DATE : 26-09-2019.**

PER COURT :

1. Present application has been filed for restoration of the first appeal and allowing the original appellant to bring the legal representatives of respondent No.1 on record.
2. It appears that, when the notice of the appeal was issued to the respondent No.1, he appeared, and later on the learned advocate for respondent had then given an intimation to the appellant regarding death of the respondent No.1. But it appears that, legal heirs of the respondent No.1 were not brought on record within the stipulated period, and even after giving opportunity, when the said action was not taken, this Court had dismissed the appeal on 31-01-2018.

3. Now by this application, the prayers are made for restoration of the first appeal as well as bringing legal heirs of respondent No.1 on record. It also appears that, there is also delay of 283 days, and therefore, prayer of condonation of delay and setting aside abatement is required to be considered.

4. The proposed legal heirs were served and they are appeared through advocate. They have no serious objection for allowing the application. Hence, the application stands allowed. Delay stands condoned. Abatement stands set aside. The first appeal is restored to the original position. Further the legal heirs i.e. respondents No.1/A to 1/D be brought on record. The said amendment be carried out within a period of 14 days from today. Application accordingly stands disposed of. Place all the matters on 05-11-2019.

**(SMT. VIBHA KANKANWADI)**  
**JUDGE**

*vjg/-*