

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

**942 CIVIL APPLICATION NO.8229 OF 2020
IN SA/453/1999 WITH CA/3111/1999 IN SA/453/1999**

**BALKISHANJI RAMVILLABHAJI VYAS DECEASED LRS. KAMLABAI
DECEASED LRS. SHAMSUNDARAND OTHERS
VERSUS
BHIKKIBAI HARIKISHANJI VYAS DECEASED**

Ms. Anjali Bajpai Dube, Advocate for the applicants.

**CORAM : V.L.ACHLIYA,J.
DATED : 18.12.2020**

P.C. :-

01. Heard. Learned Counsel though filed this application seeking various reliefs, learned Counsel restricted prayer in the application to the extent of setting aside deemed abatement of appeal and permission to bring legal representatives of deceased appellant on record, by condoning the delay. Learned Counsel submits that the relief as claimed in respect of prayer clause (E) shall be agitated separately after the deemed abatement of appeal is set aside.

02. Keeping the issue raised as to prayer clause (E) open for argument, the application is allowed in terms of prayer clauses (B), (C) and (D). Necessary substitution be carried out within two weeks.

03. Liberty granted to applicant to make separate application seeking disposal of appeal in view of non-survival of cause of action to prosecute appeal in view of death of respondent.

04. List the Second Appeal on 11.01.2021.

[V.L.ACHLIYA,J.]