

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

**CIVIL APPLICATION NO.9240 OF 2022 IN  
SECOND APPEAL NO.512 OF 2018**

Gayasoddin Hiraji Patel, Died L.Rs.  
Mubarak Gayasoddin Patel & ors. ... **APPLICANTS**

**VERSUS**

Bisabai Sardar Patel, Died L.Rs.  
Nilnba Sardar Patel & ors. ... **RESPONDENTS**

.....  
Mr. Mukul Kulkarni, Advocate for applicants  
Mr. Y.G. Gujarathi, Advocate for R.No.1-A to 1-F  
.....

**CORAM : R. G. AVACHAT, J.**

**DATE : 3rd AUGUST, 2022.**

**PER COURT :**

Heard. This is an application for condonation of delay and setting aside the abatement of the Second Appeal. The appellants did not bring on record legal representatives of deceased respondents No.2, 3 and 4. This Court, therefore, passed the order of abatement of the Second Appeal in its entirety. Now the civil application has been moved for recall of the order. The notices to the proposed legal representatives of the deceased respondents have been served.

2. Learned Advocate Mr. Gujarathi appears for the proposed legal representatives of the deceased respondents.

3. Time and again it has been observed that, application for setting aside abatement and condonation of delay in preferring applications for setting aside such abatements are to be considered liberally. In view of the same, the Civil Application is allowed. The order of abatement is set aside. Second Appeal is restored subject to costs of Rs.5000/- (Rupees five thousand) payable by the applicants to the respondents within two weeks from today.

4. List the Civil Application No.9241/2022 and other Civil Applications on 6th September 2022.

( R. G. AVACHAT )  
JUDGE

fmp/-