

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

**CIVIL APPLICATION NO.2334 OF 2022
IN SA/849/2004 WITH SA/693/2011 WITH CA/7636/2006 IN
SA/693/2011 WITH CA/8247/2015 IN SA/693/2011 WITH SA/211/2006
WITH SA/210/2006**

**PANDHARI S/O SAMBHA TIGILE
VERSUS
RAJDEEP DINDAYAL AGRAWAL and ORS**

...
Advocate for Applicants : Mr. V.G. Kodale h/f. Mr. V.D. Gunale

...
CORAM : MANGESH S. PATIL, J.

DATE : 21.03.2022

PER COURT :

This is an application for setting aside the abatement on account of death of sole appellant with a prayer to condone the delay of 1403 days. The copies have been served to the learned advocate of the other side. They have not filed any reply. Considering the nature of the dispute coupled with the grounds mentioned in the Application, the delay does not seem to be either intentional or deliberate. The Second Appeal has been pending in this Court since 2004.

2. The Application is allowed. The delay is condoned. The abatement is set aside. The legal heirs of the appellant are allowed to be brought on record. The amendment to be carried out within two weeks.

(MANGESH S. PATIL, J.)