

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

**CIVIL APPLICATION NO.3537 OF 2022
IN CA/2700/2022
IN CRAFT/4556/2022**

**ASHOK HARIRAM JATAL
VERSUS
SUREKHA SANJAY KAILE AND ORS.**

...
Advocate for Applicant : Mr. B. N. Patil
Advocate for Respondent No.1 : Mr. R. K. Astekar.

...

CORAM : MANGESH S. PATIL, J.

DATED : 25 APRIL 2022

PER COURT :

1. This is an application for setting aside abatement with prayer to condone the delay of 1361 days on account of death of respondent no.4 - Maruti Bhimrao Khairmode, who died on 18-06-2018.
2. The proposed LR's of respondent no.4 have been duly served, but none has appeared.
3. Considering the nature of the dispute and the fact that there was no intimation under Order XXII Rule 10-A of the Code of Civil Procedure, the application is allowed.

4. Delay is condoned. Abatement is set aside and the legal representatives of respondent no.4 are allowed to be brought on record.
5. Amendment to be carried out within two weeks.

(MANGESH S. PATIL, J.)

Tandale/-