

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

**CIVIL APPLICATION NO. 11923 OF 2022
IN
SECOND APPEAL NO. 5 OF 1993**

**HARI KASHIRAM SONAWANE DECEASED L.RS. NAMDEO AND OTHERS.
VERSUS
VASUDEO HIRAMAN PATIL DECEASED LRS. YASHODA AND ORS**

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**Advocate for Applicants : Mr. Hiwrekar S. D.
Advocate for Respondents : Adv. Chaitali P. Kutti h/f Mr. P. N. Kutti**

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**CORAM : BHARAT P DESHPANDE, J.
DATE : 23rd AUGUST 2022.**

Per Court :

1. Leave to amend the prayer clause by adding the prayer for setting aside abatement. Amendment to be carried out forthwith. Amended copy of the cause title be furnished to the Respondents.
2. This is an application for condonation of delay, setting aside abatement and bringing legal heirs of deceased-Applciant No.1-B, Santosh Hari Sonawane, who died on 13.12.2018.

3. Heard. learned Counsel for the parties.
4. Learned Counsel for the Applicants submits that the present Second Appeal is admitted in the year 1993. However, during the pendency of the appeal, Applicant No.1-B namely Santosh Sonawane expired on 13.12.2018. Legal heirs were not aware that application needs to be filed for bringing them on record. The other Applicant Nos. 1A, 1C to 1F are also related to deceased Santosh Sonawane.
5. Considering the grounds mentioned in Paragraph No.2 to 4 and the fact that the appeal was admitted in the year 1993, the application could be allowed by condoning delay. Hence the following order.

ORDER

- (i) The Civil Application stands allowed.
- (ii) The delay of 1220 days in bringing the legal heirs of deceased Appellant No.1B – Santosh Hari Sonawane is hereby condoned.
- (iii) The abatement if any, be set aside.
- (iv) The legal heirs of deceased Santosh Sonawane mentioned in the cause title of the present application are permitted to be brought on record.

- (v) Amendment to be carried out in the cause title of the application within 14 days.
- (vi) The Civil Application stands disposed of accordingly.

[BHARAT P. DESHPANDE, J.]

Najeeb.