

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

**908 CIVIL APPLICATION NO.10242 OF 2007
IN SA/102/1992**

**FULABAI RAMPURI BAWA.
VERSUS
VISHWANATH ARJUN MANE and OTHERS.**

...

Advocate for Applicant : B. N. Patil
Advocate for Respondent Nos. 1/1 and 1/3 : Mr. Anuj Fulphagar h/f Mr. P. R.
Katneshwarkar.
Advocate for Respondent Nos. 9 to 12 : Mr. Kalyan V. Patil.

**CORAM : MANGESH S. PATIL, J.
DATE : 03.03.2022.**

PER COURT :

This application has been pending since 2007 for setting aside abatement by condoning the delay of 705 days for bringing on record one of the legal representative that is the daughter of the appellant No. 3.

2. In fact, already couple of her legal representatives are on the record in the form of appellant No. 3/1 and appellant No. 4. Since the cause of action would survive to them, in fact there is no question of any abatement and its setting aside. Still, the matter is awaiting service to the respondents pursuant to the order dated 17.07.2017.

3. Considering the aforementioned facts and circumstances, the application is a mere formality and is allowed. Necessary amendment is allowed to be carried out in the appeal memo.

4. Learned advocate Mr. Patil for some of the respondents informs that the respondent No. 12 is dead. The appellant shall take appropriate steps.

5. Stand over to 31.03.2022.

(MANGESH S. PATIL, J.)

mkd/-