



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5359 OF 2023 IN SA/872/2009

SHARYU MURLIDHAR NEMADE AND OTHERS
VERSUS
CHHABILDAS TUKARAM KHADAKE AND OTHERS

Advocate for Applicants : Mr. G. S. Rane;
Advocate for Respondent No.1 : Mr. L. V. Sangit;
Advocate for Respondents No.6A to 6D, 7A to 7C : Mr. S. H. Tripathi

CORAM : S. G. MEHARE, J.
DATE : 14-12-2023

PER COURT :-

1. Heard the learned respective counsels for appearing parties.
2. The proposed legal representative/s of respondent No.5 have been served, but nobody appeared; hence, proceeded *ex-parte*.
3. Perused the application.
4. For the reasons mentioned in the application, the application deserves to be allowed. Hence, the order;
 - i) Civil application is allowed.
 - ii) Delay for setting aside abatement and bringing legal representative/s of respondent No.5 stands condoned.
 - iii) The legal representative/s of respondent No.5 be brought on record.
 - iv) Necessary amendment be made.
 - v) After the amendment is carried out, issue notice to the legal representative/s of respondent No.5, returnable on 09.02.2024.

(S. G. MEHARE, J.)