

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

**CIVIL APPLICATION NO.13173 OF 2022
IN SECOND APPEAL NO.340 OF 2018**

**DHARAMSING GULABSING PADVI LTS. BABUSING AND OTHERS
VERSUS
UDAYSING MANSING PADVI LRS PRITHVISING AND OTHERS**

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Advocate for the Applicants: Mr. S. B. Shah
Advocate for Respondent Nos.1A, 2A and 2C: Mr. V. C. Patil
AGP for the Respondents/State: Mr. P. M. Kulkarni

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 19.06.2023

PER COURT :

1. This is an application seeking condonation of delay of 825 days caused in filing the application for setting aside the abatement so also bringing the legal heirs of respondent no.2-A, namely, Digvijaysing Bhagatsing Padvi on record of Second Appeal.
2. Having considered the submissions advanced and the reasons as stated in the application from Paragraph Nos.4 to 8, application is allowed.
3. The delay of 825 days caused in filing the application is condoned.
4. The abatement against the deceased respondent no.2-A is hereby set aside.
5. The applicants are permitted to bring on record the legal heirs of deceased respondent no.2-A as specified in Paragraph No.4 of the application.
6. Amendment to be carried out within 14 days.
7. Civil Application is disposed of accordingly.

(S. G. CHAPALGAONKAR, J.)