



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

936 WRIT PETITION NO. 10759 OF 2024

VASANT GOVINDRAO ARALKAR

VERSUS

**SEEMA SHRIKANT NAGARKAR DIED THROUGH LRS
SHRIKANT PRABHAKAR NAGARKAR AND OTHERS**

...

Advocate for the petitioner : Mr.Pathan Sartaj Khan H.

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 01.10.2024

P.C. :

1] By the present petition, the petitioner challenges the order dated 08.01.2024 passed by the 3rd Joint Civil Judge Junior Division, Kallam, below Exhs. 82, 86 and 88.

2] By the impugned order, the trial Court permitted the plaintiffs to bring on record the legal heirs of the deceased plaintiff no.2. The trial Court has also condoned the delay and set aside the abatement order.

3] On perusal of the record, the trial Court having considered the fact that since the suit is for declaration of immovable property, the Court needs to be liberal in condoning the delay with cost and permitted the plaintiffs

to bring on record legal heirs of the deceased plaintiff no.2 and set aside the abatement. This Court, in exercise of discretionary powers, would not interfere in the impugned order passed by the trial Court. Hence, the present writ petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE

DDC