



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

**CIVIL APPLICATION NO. 2785 OF 2025
WITH
CIVIL APPLICATION NO. 1855 OF 2025
IN
FIRST APPEAL NO. 2953 OF 2016**

Raosaheb Ashraji Kavhale
Since deceased through L.Rs.
Uttam Raosaheb Kavhale .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri Deepak M. Kakade, Advocate for the Applicant through VC.
Mrs. Chaitali Choudhari-Kutti, A.G.P. for the Respondent Nos. 1
and 2.
Shri Ruturaj C. Patil, Advocate for the Respondent No. 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 21ST MARCH, 2025.**

FINAL ORDER :

. These applications are for bringing heirs of applicant on record who is the sole claimant/appellant before this Court. There is no dispute about death and entitlement of the heir to be brought on record. There is delay of 835 days in filing application for setting aside abatement as sole applicant died on 04.08.2022.

2. For the reasons mentioned in the application the delay is liable to be condoned. The cause of action survives against the

heir of the deceased applicant. Hence I pass following order.

3. Both the applications are allowed by condoning delay caused in filing application for setting aside abatement and bringing heirs on record. The notional abatement of the appeal is set aside and applicant is permitted to bring legal heir on record. Amendment be carried out within a period of two (02) weeks from today. The civil applications are disposed of.

[SHAILESH P. BRAHME J.]

bsb/March 25