

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

54 CIVIL APPLICATION NO. 5615 OF 2025
IN SA/631/2016
WITH
CIVIL APPLICATION NO. 5614 OF 2025
IN SA/631/2016

AJINATH BHAU SHEWALE AND ORS
VERSUS
DNYANOBA SANTU ALIAS SANTRAM SHEWALE AND OTHERS

...
Advocate for Applicant : Mr. Kiran V. Sarosiya h/f Mr. Bora Satyajit S.
Advocate for Respondent nos. 1 to 3 in SA : Mr. Dhananjay Deshpande

...
CORAM : SHAILESH P. BRAHME, J.

DATE : 08.12.2025

PER COURT :

CIVIL APPLICATIONS FOR CONDONATION OF DELAY

1. The applicants seek condonation of delay of 2992 days in bringing legal heirs of respondent No. 2 on record. The cause of action survives against the legal heirs of deceased respondent no. 2.
2. For the reasons stated in the application, learned counsel for the applicants seeking condonation of delay.
3. The application is contested by the legal heirs. It is submitted that the applicants were aware about death of deceased person, however, no steps are taken. It is submitted that there are no sufficient grounds for condonation of delay. Hence, the application be rejected.
4. Respondent nos. 2A to 2D are the legal heirs of respondent no. 2. The parties are from same place and the applicants should have taken steps against the deceased respondent. It is also stated in paragraph no. 6 of the

application that some of the applicants are shifted to Mumbai. However, fact remains that they are originally from place Bodkhewadi (Pachangri) and applicant nos. 3 to 5 are still resident of that place.

5. However, the lapses on the part of the applicants are not sufficient to entail abatement of appeal. Matter needs to be heard on merits. Equities can be balanced by imposing costs. The delay stands condoned subject to costs of Rs. 5000/- to be paid to the legal heirs of respondent no. 2 within period of six weeks from today.

6. The Civil Application is allowed in terms of prayer clause 'B' subject to paying costs of Rs. 5000/- (Rs. Five Thousand only) to be paid to the legal heirs of respondent no. 2 within a period of six weeks from today.

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7. Issue notice to the respondents, returnable on 27.01.2026.

(SHAILESH P. BRAHME, J.)

mkd/-