



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

**CIVIL APPLICATION NO. 4014 OF 2022
WITH
CIVIL APPLICATION NO. 4015 OF 2022
IN
SECOND APPEAL NO. 1656 OF 2005**

Rambhau Genba Kavade
Since deceased through LRs.
Pryagabai died through Lrs Nyannoba
and others .. Applicants

Versus

Putalabai Narshingrao Deshmukh
and others .. Respondents

Ms. Aummaheshwari S. Jadhav, Advocate for the Applicant Nos.
1B to 1D and 2B to 2G.

Shri R. T. Deshmukh, Advocate for the Respondent No. 1A.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 09TH SEPTEMBER, 2025.**

FINAL ORDER :

. Applicants are seeking condonation of delay, setting aside abatement and restoration of second appeal to its original position.

2. Both the appellants were no more and vide order dated 25th October, 2021, entire appeal was disposed of being abated. Legal heirs of the deceased appellants want to prosecute the second appeal.

3. Cause of action survives against the legal heirs. For the reasons stated in the applications, the delay deserves to be condoned. The Civil Application No. 4014 of 2022 is allowed in terms of prayer clauses 'B' and 'C'. The Civil Application No. 4015 of 2022 is allowed in terms of prayer clauses 'A', 'B' and 'C'. The civil applications are disposed of.

[SHAILESH P. BRAHME J.]

bsb/Sept. 25