



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

**CIVIL APPLICATION NO. 4071 OF 2023
IN
FIRST APPEAL STAMP NO. 6550 OF 2020**

Gunderao Kerba Surnar and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Shri Kiran M. Nagarkar, Advocate for the Applicants.
Shri N. D. Raje, A. G. P. for the Respondent Nos. 1 and 2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 30TH SEPTEMBER, 2025.**

FINAL ORDER :

. Applicants are praying for condonation of delay, setting aside abatement and bringing legal heirs of appellant Nos. 2 and 3 on record. Appellant No. 2 – Taterao Kerba Surnar as well as appellant No. 3 - Pralhad Kerba Surnar are the claimants. The cause of action survives against their legal heirs. Appellant No. 3 died after pronouncement of judgment by the Reference Court. There is no necessity to file any application for bringing his heirs on record.

2. The cause of action survives against the heirs of the deceased appellant Nos. 2 and 3. For the reasons stated in the

application the delay stands condoned. The application is allowed in terms of prayer clauses 'B' and 'C'. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Sept. 25