



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

**CIVIL APPLICATION NO. 3226 OF 2025
IN
FIRST APPEAL NO. 3349 OF 2021**

Aba Nagu Madake
Since deceased through his Lrs
Kashibai Madake and others .. Applicants

Versus

The State of Maharashtra, through
the Collector, Osmanabad and others .. Respondents

Ms. Mrunal Andhare, Advocate h/f Shri Ajit B. Kale, Advocate
for the Applicants.
Shri S. V. Hange, A.G.P. for the Respondent Nos. 1 and 3.
Ms. Vaishali S. Swami, Advocate h/f Shri Mahesh C. Swami,
Advocate for the Respondent No. 2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 01ST DECEMBER, 2025.**

FINAL ORDER :

. Heard both sides.

2. Applicants seek condonation of delay caused in filing application for setting aside abatement and bringing legal heirs of sole applicant Aba Nagu Madake on record.

3. Learned counsel for the applicants informs that one of the heirs of deceased Aba Nagu Madake, applicant No. 6 – Balaji is missing and is not heard of twelve years. His heirs as shown in

the title cause would represent him. They are also required to be brought on record by considering the application.

4. The cause of action survives against the legal heirs of the deceased applicant Aba Nagu Madake and Balaji Aba Madake. The legal heirs are necessary parties. The civil application is allowed in terms of prayer clauses B, C and C1. The civil application is disposed of.

5. Both parties shall be at liberty to carry out amendment within a period of two (02) weeks from today.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25