



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

**CIVIL APPLICATION NO. 2613 OF 2025
IN
FIRST APPEAL NO. 507 OF 2024**

Prayagbai Deorao Gaikwad .. Applicant

Versus

Kakasaheb Piraji Thombare
Since deceased through Lrs
Rukmanbai Kakasaheb Thombre
and others .. Respondents

Shri Surendra V. Suryawanshi, Advocate for the Applicant.
Shri Shaikh Mujtaba Gulam Mustafa, Advocate for the
Respondent Nos. 1.1, 1.2 and 3.
Shri D. B. Bhange, A.G.P. for the Respondent No. 2

**CORAM : SHAILESH P. BRAHME, J.
DATE : 07TH JULY, 2025.**

ORDER :

. Learned counsel for the applicant tenders on record service affidavit showing that the respondent Nos. 1.3/A to 1.3/C have been served by way of registered post A. D. The service is complete.

2. The respondent No. 1.3/Krishna Kakasaheb Thombre died on 15.04.2024. Obviously his death was not within the knowledge of the applicant. The cause of action survives against heirs of the deceased respondent No. 1.3. It is desirable to allow

the application for the reasons stated in the application.

3. The civil application is allowed in terms of prayer clauses 'B' and 'C'. The civil application is disposed of. Necessary amendment shall be carried out within a period of two (02) weeks from today.

[SHAILESH P. BRAHME J.]

bsb/July 25