



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

**CIVIL APPLICATION NO. 2801 OF 2025
IN
FIRST APPEAL STAMP NO. 32736 OF 2013**

Dhondiba Kadappa Yedke
Since deceased through L.Rs.
Biru Dhondiba Yedke and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Shri Vikas N. Tanwade, Advocate for the Applicant.
Shri K. K. Naik, A.G.P. for the Respondent Nos. 1 and 3
Shri Avishkar S. Shelke, Advocate for the Respondent No. 2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 21ST MARCH, 2025.**

FINAL ORDER :

. This application is for condonation of delay, for setting aside abatement and for bringing the legal heirs of claimant/present applicant No. 1-2/Kantabai Hari Gaikwad on record.

2. The first appeal is filed by the respondent No. 2 arising out of acquisition proceedings. Present applicant No. 1-2 Kantabai is one of the claimants. The cause of action survives against the heirs. The acquiring body which preferred the appeal should have taken steps against the deceased claimant. As the heirs have interest in the proceeding, I find it fit to allow the present

application and condone the delay.

3. For the reasons stated in the application, the civil application is allowed in terms of prayer clauses 'B' and 'C'. The respondent No. 2 shall amend the first appeal accordingly within a period of two (02) weeks from today. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/March 25