



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

**CIVIL APPLICATION NO. 3800 OF 2025
IN
FIRST APPEAL NO. 1007 OF 2025**

Chandrabhagabai Mallappa Bhinge
Since deceased through his L.Rs.
Dhondiba Mallapa Bhinge and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Shri Suhas R. Shirsat, Advocate h/f Shri Shashikiran N. Patil,
Advocate for the Applicants.
Shri B. A. Shinde, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 12TH JUNE, 2025.**

FINAL ORDER :

. Heard both sides.

2. This application is for condonation of delay, setting aside abatement and for bringing heirs of the sole claimant on record.

3. The acquiring body has filed appeal, which is pending for admission. In fact, application for setting aside abatement and for bringing heirs on record ought to have been filed by the acquiring body. But heirs of the original claimant have filed the present application.

4. Reasons stated in the application for condonation of delay cannot be doubted. The cause of action survives against heirs of the sole claimant. They are necessary parties, hence civil application is allowed in terms of prayer clauses 'A', 'B' and 'B-1'. Amendment shall be carried out within a period of two (02) weeks from today. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/June 25