



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

**967 CIVIL APPLICATION NO. 1743 OF 2025
IN FA/1196/2004**

**MANAGER SHRENALI CONSTRUCTION AND ORS
VERSUS
INDUBAI NANABHAU BERAD AND ORS**

....

Mr. V. N. Upadhye, Advocate for the Applicants

Mr. S. L. Bhapkar, Advocate for Respondent Nos. 1 to 7 and 9

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 07.03.2025

PER COURT :-

1. Heard Mr. Upadhye, the learned counsel for the Applicants and Mr. Bhapkar, the learned counsel for non-applicant Nos. 1 to 7 and 9. None appeared for non-applicant No.8.

2. By the present Application, the legal heirs of Appellant No.2 deceased Ashok Ramlal @ Shantilal Chopada, prayed for bringing their names on record being legal heirs of Appellant No.2, by condoning the delay of 694 days and setting aside the abatement.

3. The learned counsel for the non-applicant Nos. 1 to 7 and 9 fairly raised no objection.

4. Considering the cause of action survives, the delay of 694 days caused in filing the Application for bringing the legal heirs on record, is hereby condoned. The Applicants are permitted to substitute their names in place of Appellant No.2 who died on 16.02.2022 during pendency of the Appeal.

5. Accordingly, the Civil Application is allowed, subject to payment of cost of Rs.1,000/-, to be paid in the account of the 'Creche/Day Care Centre', Advocates' Association of Bombay High Court, Aurangabad, on or before 18.03.2025. Necessary amendment be carried out on or before 21.03.2025.

6. The Civil Application is disposed of.

[Y. G. KHOBRAGADE, J.]