



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

WRIT PETITION NO. 4626 OF 2020

**RAVSAHEB GANDHAR SHINDE DIED AND ORS
VERSUS
WAMAN LAXMAN JAGTAP AND ORS**

...
Shri D.G. Nagode, Advocate for the Petitioners.
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CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 03rd April, 2025

Per Court :-

1. Heard the learned advocate for the petitioners.
2. In this petition, the order dated 14.01.2019 passed by the Civil Judge, Junior Division, Newasa, on an application exhibit-164 in R.C.S. No.98/2004, is challenged.
3. By application at exhibit 164 filed by defendant Nos.1B, 1D and 1E, it was prayed that the orders for abatement of the suit in view of death of defendant No.1C be passed. By the impugned order dated 14.01.2019, the Trial Court has rejected the application.
4. The petitioner has filed on record the application

dated 17.07.2018 (exhibit 169) which is an application for condonation of delay in bringing legal heirs of the deceased defendant No.1C on record. As regards this application, learned advocate for the petitioner submits that this application for condonation of delay was allowed by the Trial Court and subsequently, legal heirs of the deceased defendant No.1C are brought on record. The orders on application for condonation of delay and bringing legal representatives of defendant No.1C on record, are not challenged. It is submitted that trial has proceeded and the suit is at the stage of evidence.

5. In view of the above, challenge to the impugned order dated 14.01.2019 about abatement of the case against defendant No.1C becomes only academic. In view of this, the Writ Petition is not pressed and the same is disposed of.

kps

(PRAFULLA S. KHUBALKAR, J.)