



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 CIVIL APPLICATION NO. 11486 OF 2022
IN FAST/22545/2020

THE EX. ENGINEER, M.I.W. JALGAON AND ORS
VERSUS
TUKARAM VITTHAL WAGH (DIED) THR LRS RAJENDRA
(DIED) THR LRS. KALPANA AND OTHERS

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Advocate for Applicants : Mr. Tambe Rahul A.
Advocate for Respondents/claimants : Mr. Pramod Karade h/f
Mr. A. B. Kale.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 29.09.2025

PER COURT :-

1. Heard both sides.
2. Learned counsel Mr. Karade holding for Mr. Kale waives service of notice for respondent Nos.1A to 1C, proposed legal heirs of deceased respondent No.1.
3. Leave is granted to correct first name of respondent No.3.
4. Applicants are seeking condonation of delay of 846 days in setting aside abatement and bringing legal heirs of respondent No.1 Rajendra Tukaram Wagh on record.

5. Respondents are the claimants. The cause of action survives against proposed heirs of respondent No.1. They are the necessary parties. There is nothing on record to suggest that applicants/authorities were aware of the death and the details of the heirs of respondent No.1. Appeal is pending for admission. For the reasons stated in the application, I deem it appropriate to condone the delay.

6. Civil application is allowed by condoning delay and setting aside abatement to bring legal heirs on record. Civil application is disposed of accordingly.

7. Both parties are permitted to bring legal heirs of respondent No.1 on record.

First Appeal

8. Parties would be at liberty to club all the similarly situated appeals of the year 2019 or 2020 for fixing them for final hearing.

(SHAILESH P. BRAHME, J.)

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vmk/-