



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

**CIVIL APPLICATION NO. 10135 OF 2025
IN
SECOND APPEAL NO. 454 OF 2005**

Madan Namdeo Dhage
Since deceased through L.Rs.
Manojkumar and others .. Applicants

Versus

Dhyanoba Dagadu Dhage and others .. Respondents

Shri Ravindra Wankhede, Advocate h/f Shri N. L. Jadhav,
Advocate for the Applicants.
Shri A. r. Lukhe, Advocate h/f Shri A. S. Shelke, Advocate for the
Respondent Nos. 1 to 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 25TH NOVEMBER, 2025.**

FINAL ORDER :

. Heard both sides.

2. Applicants seek condonation of delay of 3556 days caused in filing application for setting aside abatement and bringing legal heirs of sole applicant on record. It is submitted that liberal approach be adopted in condoning the delay. It is further submitted that there are no *mala fides* on the part of the applicants.

3. Application is contested by the respondents on the ground

that delay is inordinate and steps could have been taken in time.

4. Second appeal is admitted and it is pending for final hearing. There is no reason to infer any *mala fides*. Cause of action survives as against the heirs of deceased applicant. For the reasons stated in the application it is desirable to condone the delay.

5. The civil application is allowed in terms of prayer clauses 'B' 'C' and 'D'. The civil application is disposed of.

6. Amendment shall be carried out within a period of two (02) weeks from today.

[SHAILESH P. BRAHME J.]

bsb/Nov. 25