



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

**CIVIL APPLICATION NO. 14699 OF 2023
IN
SECOND APPEAL NO. 138 OF 2019**

Shivprasad Babulal Bhartiya
Since deceased through his L.Rs.
Savitridevi Shivprasad Bhartiya
and others .. Applicants

Versus

Dr. Dadhusudan Babulal Bhartiya .. Respondent

Shri S. S. Bharuka, Advocate for the Applicants.

Shri B. A. Darak, Advocate h/f Shri V. P. Darak, Advocate for the Respondent No. 7.

Shri D. S. Patil, Advocate h/f Shri S. S. Gangakhedkar, Advocate for the Respondent No. 8.

CORAM : SHAILESH P. BRAHME, J.

DATE : 30TH JUNE, 2025.

FINAL ORDER :

. Applicants are seeking condonation of delay, setting aside abatement and permission to bring heirs of deceased respondent No. 2/Ramprasad Babulal Bhartiya on record.

2. For the reasons stated in the application, it is desirable to condone the delay. The cause of action survives against the heirs of the deceased respondent No. 2. The civil application is allowed. The delay of 1134 days is condoned by setting aside abatement. The legal heirs of deceased respondent No. 2 shall be

taken on record. The civil application is disposed of.

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

[SHAILESH P. BRAHME J.]

bsb/June 25