



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

**CIVIL APPLICATION NO. 1998 OF 2019
IN
CIVIL APPLICATION NO. 6674 OF 2009
IN
REJECTED CASE NO. 450 OF 2009
IN
CIVIL APPLICATION NO. 2005 OF 2009
IN
SECOND APPEAL STAMP NO. 13243 OF 2008**

Suryakant Krishnaji @ Krishnarao
Deshmukh

.. Applicant

Versus

Sitaram Jyotiram Lahane and others .. Respondents

Shri A. I. Deshmukh, Advocate h/f Shri V. J. Patil, Advocate for
the Applicant.

None for the respondents.

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

FINAL ORDER :

- . Heard learned counsel for the applicant.
2. The applicant seeks setting aside abatement against the respondent No. 14 by condoning the delay.
3. It reveals from record that registration of second appeal was rejected and it was treated to be Rejected Case No. 450 of

2009. Civil Application No. 6674 of 2009 was preferred. Notices were issued and the matter was directed to be abated against unserved respondents for not taking steps. Thereafter respondent Nos. 8/2, 14 and 20 are reported to be dead. Against them also the matter was abated.

4. Learned counsel for the applicant submits that the legal heirs of the respondent No. 8/2 are already on record in the form of respondent Nos. 8/1, 8/3 and 8/4. The respondent No. 20 is a formal party and applicant does not wish to take any steps against him. The legal heirs of the respondent No. 14 are already shown in the application.

5. I am of the considered view that last opportunity needs to be given to the applicant. There is inordinate delay in taking steps. Ends of justice would be sub served in restoring the second appeal on certain conditions.

6. The civil application is allowed in terms of prayer clauses 'A' to 'C' on condition that applicant deposits cost of Rs. 15,000/- (Rs. Fifteen thousands only) in this Court within a period of four (04) weeks from today. The civil application is disposed of.

[SHAILESH P. BRAHME J.]