



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

**CIVIL APPLICATION NO. 9830 OF 2025  
IN  
SECOND APPEAL NO. 1238 OF 2005**

Shantabai Ramratan Shrivastav  
Since deceased through his L.rs.  
Kusumbai @ Shilabai Prakash @ Babulal  
Shrivastav and others .. Applicants

**Versus**

Shankar Jaikisan Wadgaonkar  
Since deceased through his L.rs.  
Ramesh and others .. Respondents

**WITH  
CIVIL APPLICATION NO. 9831 OF 2025  
IN  
SECOND APPEAL NO. 1238 OF 2005**

Shantabai Ramratan Shrivastav  
Since deceased through his L.rs.  
Kusumbai @ Shilabai Prakash @ Babulal  
Shrivastav and others .. Applicants

**Versus**

Shankar Jaikisan Wadgaonkar  
Since deceased through his L.rs.  
Ramesh and others .. Respondents

**WITH  
CIVIL APPLICATION NO. 9833 OF 2025  
IN  
SECOND APPEAL NO. 1238 OF 2005**

Shantabai Ramratan Shrivastav  
Since deceased through his L.rs.  
Kusumbai @ Shilabai Prakash @ Babulal  
Shrivastav and others .. Applicants

**Versus**

Shankar Jaikisan Wadgaonkar  
 Since deceased through his L.rs.  
 Ramesh and others .. Respondents

**WITH  
 CIVIL APPLICATION NO. 9834 OF 2025  
 IN  
 SECOND APPEAL NO. 1238 OF 2005**

Shantabai Ramratan Shrivastav  
 Since deceased through his L.rs.  
 Kusumbai @ Shilabai Prakash @ Babulal  
 Shrivastav and others .. Applicants

**Versus**

Shankar Jaikisan Wadgaonkar  
 Since deceased through his L.rs.  
 Ramesh and others .. Respondents

Mrs. Charuta S. Deshmukh, Advocate for the Applicants.  
 Shri N. S. Raole, Advocate h/f Shri L. V. Sangit, Advocate for the  
 Respondent Nos. 1(i) to 1(iii), 1(v) to 1(vii).

**CORAM : SHAILESH P. BRAHME, J.  
 DATE : 12TH SEPTEMBER, 2025.**

**FINAL ORDER :**

. Heard both sides.

2. I propose to decide these civil applications by common order. Those are filed for condonation of delay caused in bringing legal heirs of the deceased parties, setting abatement and taking the legal heirs of the deceased parties on record.

3. Learned counsel Mr. Raole holding for Mr. L. V. Sangit learned counsel for the respondents submits that he has

instructions to appear for the proposed legal heirs of the deceased respondents.

| <b>Sr. No.</b> | <b>Civil Application No.</b> | <b>Name of the deceased party</b>                     | <b>Delay</b> |
|----------------|------------------------------|-------------------------------------------------------|--------------|
| 01.            | 9830 of 2025                 | Appellant No. 8 – Mahendra Chaganlal Shrivastav       | 4533 days    |
| 02.            | 9831 of 2025                 | Respondent No. 1/F<br>Sau. Nalini W/o Ganpatrao Kasar | 1665 days    |
| 03.            | 9833 of 2025                 | Respondent No. 1/E<br>Prabhavati Madhukarrao Bule     | 3240 days    |
| 04.            | 9834 of 2025                 | Respondent No. 1/D<br>Dinesh Shankar<br>Wadgaonkar    | 4166 days    |

4. It reflects from record that cause of action survives against heirs of the deceased parties referred to above. They are necessary parties. For the reasons stated in the applications, it is desirable to condone the delay. It is already disclosed that for the legal heirs of deceased respondents referred to above, learned counsel has instructions to cause appearance.

5. All civil applications are allowed in terms of prayer clauses 'B', 'C' and 'D'. The civil applications are disposed of.

**[ SHAILESH P. BRAHME J. ]**

*bsb/Sept. 25*