

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 CIVIL APPLICATION NO. 127 OF 2018
IN SAST/23178/2015

KHANDU NAMA MEHETRE LRS MARUTI AND OTHERS
VERSUS
GAYABAI MARUTI AWASARE LRS SADASHIV AND OTHERS

WITH CIVIL APPLICATION NO. 3086 OF 2019
IN SAST/23178/2015
WITH CIVIL APPLICATION NO. 3088 OF 2019
IN SAST/23178/2015

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Advocate for Applicants : Mr. S. N. Gaikwad h/f Mr. Gaware
Niteen V.
Advocate for respective Respondents : Mr. Tambe Rahul A.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 29.09.2025

PER COURT :-

1. Civil Application No.127 of 2018 is for condonation of delay of ten (10) days in preferring second appeal.
2. Respondent Nos.1E and 14 are unserved. The separate applications are filed for bringing legal heirs of respondent Nos.9 and 11 on record. The delay is of only ten days. The contesting parties have caused appearance except above respondents.
3. For the reasons stated in the application, civil application No.127 of 2018 stands allowed in terms of prayer clause "A". Civil application is disposed of accordingly.

Civil Application No.3086 of 2019

4. Time is granted to take steps against respondent No.11.

Civil Application No.3088 of 2019

5. The proposed legal heirs of respondent No.9 are served. Application is for condonation of delay and setting aside abatement as against respondent No.9. Application has not been controverted by any of the respondents. Cause of action survives against heirs of respondent No.9. For the reasons stated in the application, civil application is allowed in terms of prayer clauses "A" and "B". Civil application is disposed of accordingly.

6. Appellants are granted time of two (2) weeks to carry out the amendment. If amendment is not carried out, the appellants shall be liable to pay cost of Rs.20,000/-.

(SHAILESH P. BRAHME, J.)

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vmk/-