



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

**CIVIL APPLICATION NO. 7517 OF 2025
IN
SECOND APPEAL NO. 532 OF 1991**

Daiwan Annasaheb Tandale
Since deceased through his L.Rs.
Ramkrushna Daiwan Tandale
and others .. Applicants

Versus

Bankatswai trust Village Neknoor .. Respondent

Shri Rajendra B. Dhakane, Advocate for the Applicants.
Shri A. R. Tapse, Advocate h/f Shri D. N. Suryawanshi, Advocate
for the Respondent Nos. 1-I to 1-IV.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 23RD JULY, 2025.**

FINAL ORDER :

. This application is for condonation of delay, setting aside abatement and bringing legal heirs of appellant No. 1 – Daiwan Annasaheb Tandale and appellant No. 3A Vikram Sominath @ Sumant Tandale. Applicants are also praying for abatement of appeal as against respondent No. I - Sudhakar Sundarrao Sarvadnya, who is no more.

2. It is informed that already abatement order against the appellant No. 1 was set aside before the Apex Court. Even otherwise if the cause of action survives against heirs of the

appellant No. 1 as well as respondent No. 3A. This Court has to give opportunity to bring the legal heirs on record.

3. Mr. Tapse, learned counsel for the respondents vehemently opposes the contentions and submissions of the learned counsel for the applicants.

4. The respondent is a trust and Sudhakar Sundarrao Sarvadnya is one of the trustees. As the trust is not hereditary office, no question of bringing his heirs on record arises. Appeal as against him stands abated. In that view of the matter the civil application is allowed in terms of prayer clauses 'B', 'C' and 'D' with modification that instead of deleting Sudhakar Sundarrao Sarvadnya, it should be marked as abated. The civil application stands disposed of.

[SHAILESH P. BRAHME J.]

bsb/July 25