



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

**CIVIL APPLICATION NO. 10147 OF 2025
IN
FIRST APPEAL NO. 1143 OF 2021**

Vishwambhar Dadarao Naiknaware
Since deceased Through his Lrs
Balaji Died Through Lrs Chhaya
and others .. Applicants

Versus

The Executive Engineer Osmanabad
Minor Irrigation Division Osmanabad
and others .. Respondents

Shri Pravin B. Rakhunde, Advocate for the Applicants.
Shri B. R. Survase, Advocate for the Respondent No. 1.
Mrs. M. N. Ghanekar, A.G.P. for the Respondent Nos. 2 and 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 13TH NOVEMBER, 2025.**

FINAL ORDER :

. Applicants are seeking condonation of delay caused in filing application for setting abatement and for bringing the legal heirs of applicant No. 1 – A – Balaji Vishwambhar Naiknaware on record.

2. Cause of action survives against the heirs of deceased applicant No. 1-A. It is desirable to condone the delay and set aside the abatement, if any.

3. The civil application is allowed in terms of prayer clauses 'B' and 'C'. Both the parties shall be at liberty to carry out the amendment within a period of two (02) weeks from today. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Nov. 25