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40 CA 10074 OF 2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 CIVIL APPLICATION NO. 10074 OF 2025
IN SA/107/2016

TUKARAM RAMBHAU SHINDE AND ORS
VERSUS
CHHAYABAI VILAS WALUNJKAR AND ORS

...

Mr. A. A. Gatne h/f. A. B. Gatne, Advocate for Applicant (Through V.C.)
Mr. Pradip Sambhaji Jadhav h/f. Mr. V. P. Latange, Advocate for Respondent
Nos.1 to 4

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CORAM : SHAILESH P. BRAHME, J.

DATE : 03.12.2025

PER COURT :-

. Applicants are praying for condonation of delay for setting aside abatement and for bringing legal heirs of respondent nos.6A and 6B on record. The notices were duly served on the proposed legal heirs of respondent no.6B but they have not caused appearance.

2. It reveals from the record that respondent no.6A is survived by respondent nos.6B and 6C and there is no necessity to take independent steps against respondent no.6A. The legal heirs of respondent no.6A are mentioned in paragraph 8 of the application. The cause of action survives as against them. They are necessary parties.

3. For the reasons stated in the application, Civil Application is allowed in terms of prayer clause “B” to “E”. The delay stands condoned.
4. Stand over to 07.01.2026.

(SHAILESH P. BRAHME, J.)

PRW