

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

**137 CIVIL APPLICATION NO. 9359 OF 2025
IN FA/2219/2025**

**MAHADEO LAXMAN FADTALE DIED THROUGH HIS LEGAL
REPRESENTATIVES JIJABAI MAHADEV FADTALE AND ORS**

VERSUS

**THE EXECUTIVE ENGINEER, IRRIGATION PROJECT,
MAJBUTIKARAN DIVISION, OMERGA AND ORS**

...

Advocate for Applicants : Mr. Manoj Dharmaraj Shinde
Advocate for Respondent No. 1 : Mr. Radhakrushna Ingole
AGP for Respondent Nos. 2 & 3 : Mr. D.B.Bhange

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 02.09.2025

PER COURT :

1. Applicants seek condonation of delay, setting aside the abatement and bringing legal representatives of Original Claimant deceased Mahadev s/o Laxman Fadtale on record. In fact respondent Acquiring Body should have filed such application, but the applicants are taking steps to replace the deceased Claimant.

2. For the reasons stated in the application, I find no reason to reject the application. The cause of action survives against deceased i.e. Original Claimant/Qua applicants. Hence

delay stands condoned.

3. The Civil Application is allowed, thereby condoning delay and setting aside the abatement for bringing the legal representatives of Original Claimant on record as shown in the title Clause of the application.

(SHAILESH P. BRAHME)
JUDGE

mahajansb/