



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1076 OF 2024
WITH WITH CA/1077/2024 WITH CA/1078/2024 IN SA/119/1997

Chandrakant Vinayak Wadgaonkar
and Others

..APPLICANTS

VERSUS

Narendra Ratanlal Kayastha and Others

..RESPONDENTS

....

Mr. M.M. Patil (Beedkar), Advocate for applicants

Mr. V.D. Khivesara, Advocate h/f Mr. A.S. Bajaj, Advocate for respondent nos.
1 to 3

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CORAM : ABHAY J. MANTRI, J.
DATE : 09th DECEMBER, 2025

PER COURT :

CIVIL APPLICATION NOS. 1076 OF 2024 AND 1077 OF 2024 :-

1. Heard.
2. Issue notice to the proposed respondents, returnable on 13th January, 2026.

CIVIL APPLICATION NO. 1078 OF 2024 :-

1. The applicants have filed this application to condone the delay of 1024 days in filing the civil application for bringing on record the legal representatives of Appellant No.5 – Anil Vinayak Wadgaonkar by setting aside the abatement order, if any, for which learned counsel for the respondents, by filing an affidavit-in-reply, strongly objected.

2. However, considering the reasons disclosed in the application as well as the fact that the other appellants are contesting the matter and if the appellants are permitted to bring the legal representatives of appellant No. 5 on record, it would not cause prejudice to the rights of the respondents, On the contrary, it would help to determine the conflict between the parties, hence, I do not find substance in the objection raised by the respondent.

3. In view of the above, the application is allowed. A delay of 1024 days is condoned. The order of abetment is set aside. The applicants are permitted to bring the legal representatives of Appellant No. 5 on record within two weeks and to supply a copy of the corrected appeal memo to the respondents within two weeks thereafter, failing which the appeal shall stand dismissed against Appellant No. 5 as abetted.

(ABHAY J. MANTRI, J.)

SSD