



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

**CIVIL APPLICATION NO. 9625 OF 2025  
IN  
SECOND APPEAL NO. 344 OF 1999**

Padminibai Vishwanath Thorat  
Since deceased through L.Rs.  
Shivaji Vishwanath Thorat .. Applicant

**Versus**

Yashwant Baliram Kapse and others .. Respondents

Mrs. Rekha Mohale/Choudhari, Advocate h/f Shri S. S.  
Choudhari, Advocate for the Applicant.  
Shri Lalit M. Badgujar, Advocate h/f M. S. Patil, Advocate for the  
Respondent Nos. 1 to 5.

**CORAM : SHAILESH P. BRAHME, J.  
DATE : 08TH SEPTEMBER, 2025.**

**FINAL ORDER :**

. Applicant seeks condonation of delay caused in filing application for bringing legal heirs of deceased appellant and heirs of the deceased legal heirs of the appellant and setting aside abatement.

2. Application states that sole appellant Padminibai died and she is survived by the legal heirs shown in para No. 4 of the application. One of the legal heirs Gurunath also died, whose legal heirs are also indicated in the application. Another heir Vatsalabai also died and whose heirs are also indicated in the

application.

3. The cause of action survives against the legal heirs of the deceased appellant and heirs of the deceased heirs of the appellant. They are necessary parties.

4. The civil application is allowed thereby condoning the delay caused in filing the application for bringing legal heirs of Padminbai, Gurunath and Vatsalabai by setting aside abatement. Necessary amendment shall be carried out within a period of two (02) weeks from today. The civil application is disposed of.

**[ SHAILESH P. BRAHME J. ]**

*bsb/Sept. 25*