



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

**CIVIL APPLICATION NO. 15323 OF 2023
IN
SECOND APPEAL NO. 305 OF 2011**

Shaikh Majeed Shaikh Jamal
Since deceased through L.Rs.
Bhikabi Shaikh Majid and others .. Applicants

Versus

Kaduba Sadashiv Langde and others .. Respondents

Shri Shaikh Mujtaba Gulam Mustafa, Advocate for the
Applicants.

Shri P. P. Patni, Advocate h/f Shri P. F. Patni, Advocate for the
Respondent Nos. 1 to 6, 7A to 7D.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 30TH JUNE, 2025.**

FINAL ORDER :

. Applicants are seeking condonation of delay, setting aside abatement and permission to bring legal heirs of deceased appellant/applicant No. 1 on record. For the reasons stated in the application it is contended that heirs of the applicant No. 1 are necessary parties. Applicant No. 1 died on 30.05.2021.

2. Learned counsel for the respondents opposes the application.

3. Considering averments of the application, I find that cause

of action survives against the heirs of the deceased appellant/applicant No. 1/Shaiikh Majeed Shaiikh Jamal. They are necessary parties. Second appeal is yet to be admitted. The civil application is allowed in terms of prayer clause 'B'. The civil application is disposed of.

4. Amendment to be carried out within a period of two (02) weeks from today.

[SHAILESH P. BRAHME J.]

bsb/June 25