



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

**CIVIL APPLICATION NO. 10792 OF 2025
WITH
CIVIL APPLICATION NO. 10793 OF 2025
CIVIL APPLICATION NO. 10794 OF 2025
IN
CIVIL APPLICATION STAMP NO. 1151 of 2022
WITH
CIVIL APPLICATION STAMP NO. 1148 of 2022
CIVIL APPLICATION STAMP NO. 1154 of 2022
WITH
CIVIL APPLICATION NO. 10795 OF 2025
IN
SECOND APPEAL NO. 94 OF 2009**

Anandibai Ganpatrao Peshve
Through L.Rs. Anil Ganpatrao
Peshve and others .. Applicants

Versus

Anant Ganpat Peshve since
deceased through L.Rs. Anjali Subhash
Kulkarni and others .. Respondents

Shri Sunil A. Kulkarni, Advocate for the Applicants.

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

FINAL ORDER :

. Learned counsel Mr. Sunil Kulkarni informs this Court that parties have settled the matter amicably and they propose to file consent terms on record. Even he is seeking circulation for posting the matter for disposal in view of consent terms. A

separate application for disposing of the second appeal in view of amicable settlement is ready and it will be filed in the office.

2. There are in all four applications for taking steps against deceased parties. It is submitted that unless the applications are allowed, second appeal would not become ready for further consideration.

3. Following applications are to be dealt with.

Sr. No.	Civil Application No.	Relief claimed
01.	10792 of 2025	Condonation of delay of 964 and setting aside abatement order passed against appellant No. 3 and the respondent No. 2.
02.	10793 of 2025	Condonation of delay of 483 days, setting aside abatement and for bringing legal heirs of respondent No. 1c) on record i. e. respondent Nos. 1ca to 1cc.
03.	10794 of 2025 a) C. A. St. No. 1151 of 2022, b) C. A. St. No. 1148 of 2022, c) C. A. St. 1154 of 2022	Condonation of delay of 1167 days caused in filing civil application and for restoration of Civil Application Stamp No. 1151 of 2022, Civil Application Stamp No. 1148 of 2022 and Civil Application Stamp No. 1154 of 2022.
	a) C. A. St. No. 1151 of 2022	For bringing L.Rs. of appellant No. 3 on record.
	b) C. A. St. No. 1148 of 2022	For bringing L.Rs. of respondent No. 1 on record.
	c) C. A. St. 1154 of 2022	For bringing L.Rs. of respondent No. 3 on record.

04.	10795 of 2025	Condonation of delay of 958 days, setting aside abatement and for bringing legal heirs of respondent No. 1b) on record i. e. respondent Nos. 1ba to 1bb.
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4. The parties have settled the matter amicably. It is admitted second appeal. There is delay in bringing legal heirs on record. The cause of action survives as against the heirs of the deceased parties. I find that there is no impediment in allowing all the civil applications. I find it fit to condone the delay caused in taking steps against the deceased parties.

5. For the reasons stated above, civil applications are allowed in terms of prayer clauses 'a' and 'b' in all civil applications. The civil applications are disposed of.

6. Consequentially Civil Application Stamp No. 1151 of 2022, Civil Application Stamp No. 1148 of 2022 and Civil Application Stamp No. 1154 of 2022 shall stand allowed in terms of prayer clauses 'a' and 'b'. Amendment shall be carried out by the next date.

7. List the second appeal on 04.10.2025.

[SHAILESH P. BRAHME J.]

bsb/Sept. 25