



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

**909 CIVIL APPLICATION NO. 14856 OF 2016
IN CA/14286/2015**

**THE CENTRAL GOVERNMENT OF INDIA THRO. THE DEFENCE ESTATE
OFFICER, PUNE AND ANOTHER**

VERSUS

SHAIKH MOHAMMAD IBRAHIM ISMAIL AND OTHERS

...

Advocate for Applicant : Mr. Rajendra D. Sanap

Advocate for Respondent No. 1A : Mr. Deshmukh Himmatsinh D.

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 14.11.2025

PER COURT :

The applicants seek condonation of delay of 242 days in setting aside the abatement and bringing legal heirs of deceased respondent No. 1 Shaikh Mohammad Ibrahim Ismail on record. This application is for restoration of the Civil Application Nos. 14286/2016 with Civil Application No. 14287/2016 in Second Appeal (Stamp) No. 28417/2015 as well as for restoration of the Second Appeal, which was rejected.

2. For the reasons stated in the application, I find it fit to condone the delay in bringing the legal heirs of deceased respondent no. 1 on record.

3. Simultaneously, there cannot be any mala fides on the part of the applicant. The Civil Application Nos. 14286/2016 with Civil Application No. 14287/2016 in Second Appeal (Stamp) No. 28417/2015 and second appeal need to be restored to their original position. Therefore, order of abatement is quashed and second appeal is restored to its original position.

4. Delay for bringing legal heirs on record stands condoned.

5. Parties shall be at liberty to carryout the amendment.

(SHAILESH P. BRAHME, J.)

mkd/-