



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2 CIVIL APPLICATION NO. 763 OF 2025
IN WP/3190/2016

Govind Dnyanoba Madde Died Through
Lrs Mina Ram Yalmale And Others

....Applicants

VERSUS

Vikram Dattatray Nagorao Pinate

.....Respondent

.....

Mr. P.V. Gole h/f. Mr. V.D. Gunale, Advocate for Applicants
Mr. R.B. Deshmukh, Advocate for respondent

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CORAM : MANJUSHA DESHPANDE, J.

DATE : 20th JANUARY, 2025

ORDER :

1. The present application has been filed by applicants, who are legal heirs of Petitioner No. 1. It is the contention of applicants that Petitioner No. 1- Govind Madde has expired on 14.12.2023. Applicant No. 1a and 1b are the married daughters of deceased living at their matrimonial home. Applicant No. 1c and 1d are sons of the deceased. The petition was filed in the year 2016. Applicants were not aware about the litigation filed by the deceased. Only when Petitioner No. 2 informed them about the pendency of litigation, they came to know about proceeding filed by the deceased. Therefore, there is delay of

Bhagyawant Punde

253 days in filing the present application, which is not deliberate and intentional. The Writ petition is abated as against Petitioner No. 1, therefore, it is necessary to set aside the abatement order. According to them, irreparable loss would be caused to the applicants if abatement order is not set aside.

Though, there is no prayer made in the application to set aside the abatement order as against Petitioner No. 1, as has been objected by learned advocate for the respondent, learned advocate for applicants undertakes to carry out amendment forthwith to that effect.

2. In view of the same, delay in filing the present application is condoned. Civil Application is allowed in terms of prayer 'B' and 'C'.

3. Applicants are permitted to bring legal heirs of Petitioner No. 1 on record. Amendment to be carried out within two weeks from today.

4. In view of above, civil application stands disposed of.

(MANJUSHA DESHPANDE, J.)