



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

**CIVIL APPLICATION NO. 14819 OF 2023
IN SA/246/2015**

**RANABA SADU NIKALE DEAD HAUSABAI DEAD
LRS BHAUSAHEB AND OTHERS**

VERSUS

**RAMBHAJI SUKHDEO ADHAV DEAD LRS
SULOCHANA AND OTHERS**

...

None for Applicants

Advocate for Respondent Nos.1B and 1E : Mrs. Prajakta P. Deshmukh
h/f Mr. Milind M. Patil

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 17th APRIL 2025

PER COURT :

- . On last occasion, Counsel for Respondent Nos.1B and 1E sought time to file reply. No reply has been filed.
2. Applicants are seeking condonation of delay in setting aside abatement and for bringing heirs of Applicant No.4A – Mangal Suresh Nikale and Applicant No.6 – Sangita Madhukar Khaire.
3. Applicants are original defendants in the appeal. The cause of action for the heirs of Applicant No.4A and Applicant No.6 survives against them. They would be necessary parties.

4. Applicants have explained the reasons why the steps could not be taken in time for setting aside abatement and bringing heirs of deceased Applicants on record. I do not find that there are any malafides. For the reasons stated in Paragraph No.4, I deem it appropriate to condone the delay.

5. There is no dispute that legal heirs of the deceased parties shown in Paragraph Nos. 2 and 3 need to be brought on record by setting aside abatement. I am, therefore inclined to allow the application.

6. The Civil Application is allowed in terms of prayer clause 'A', 'B' and 'C'.

7. Amendment be carried out forthwith.

SHAILESH P. BRAHME
JUDGE