



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

**CIVIL APPLICATION NO. 14374 OF 2023
IN
SECOND APPEAL NO. 58 OF 2007**

Balasaheb Sheshrao Waghmode
and another

.. Applicants

Versus

Laxman Bhimaji Jadhavar and others .. Respondents

Mrs. M. A. Kulkarni, Advocate for the Applicants - absent.
Shri Vinesh C. Solshe, Advocate for the Respondent Nos. 1-A to
1-E.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 18TH SEPTEMBER, 2025.**

FINAL ORDER :

. Heard learned counsel Mr. Solshe for the respondents.
None appears for the applicants.

2. Present civil application is for condonation of delay of 1752 days caused in bringing legal heirs of respondent No. 1 on record and setting aside the abatement. Application is contested by the respondents stating that no reasons are stated in the application for condonation of delay. Parties are residents of same village and it can not be conceived that applicants might not be aware of the death.

3. The legal heirs of the respondent No. 1 are necessary parties. The cause of action survives against them. I am of the considered view that pragmatic approach would be adopted in condoning the delay by imposing cost instead of rejecting the application.

4. The civil application is allowed in terms of prayer clause 'B' on condition that applicants deposit cost of Rs. 5,000/- (Rs. Five thousands only) with the Library of the Advocate's Bar Association, High Court of Bombay, Bench at Aurangabad. Payment of cost is condition precedent. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Sept. 25