



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

16 SECOND APPEAL NO. 807 OF 2013

VISHNU SAHEBRAO MADAKE

VERSUS

VYANKATESH BHIMRAO MADAKE AND OTHERS

**WITH SECOND APPEAL NO. 226 OF 2014 WITH CIVIL
APPLICATION NO. 651 OF 2014 IN SA/807/2013 WITH
CIVIL APPLICATION NO. 652 OF 2014 IN SA/226/2014 WITH
CIVIL APPLICATION NO. 9026 OF 2013 IN SA/807/2013
WITH CIVIL APPLICATION NO. 9025 OF 2013 IN
SA/807/2013 WITH CIVIL APPLICATION NO. 9028 OF 2013
IN SA/226/2014 WITH CIVIL APPLICATION NO. 655 OF 2020
IN SA/807/2013**

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Advocate for Appellants : Ms. Meghna S. Gaur h/f Mr.
Choudhary S. S.

Advocate for Respondent No.1 : Smt. Kulkarni A. M. (Through
V. C.).

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CORAM : SHAILESH P. BRAHME, J.

DATE : 29.09.2025

PER COURT :-

1. It is informed by learned counsel Smt. Kulkarni that in Second Appeal No. 807 of 2013, separate civil application No.655 of 2020 has been filed for bringing legal heirs of respondent No.1 Vyankatesh Bhimrao Madake on record. Both appeals are yet to be admitted. Learned counsel Smt. Kulkarni caused appearance on behalf of the legal heirs of deceased respondent No.1. However, no separate application for bringing legal heirs of deceased respondent No.1 is filed in Second Appeal No.226 of 2014.

2. Deceased respondent No.1 Vyankatesh is original plaintiff. His legal heirs are necessary parties. For the reasons stated in the application, it is desirable to condone the delay and allow application. Delay stands condoned. Civil application is allowed. Abatement as against respondent No.1 is set aside and legal heirs stated in application shall be brought on record. Both the parties shall be at liberty to carry out the amendment.

Second Appeal No.226 of 2014

3. Though there is no separate application for bringing legal heirs of respondent No.1 on record, admittedly plaintiff is no more and her legal heirs are permitted to be brought on record in the connected appeals. In this appeal also, legal heirs are permitted to be brought on record by condoning delay and setting aside notional abatement.

4. Both parties shall be at liberty to carry out amendment.

5. List these matters for admission on 13.10.2025.

(SHAILESH P. BRAHME, J.)

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