



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14006 OF 2025
IN SA/411/2003

PRAKASH GULABCHAND JAIN DIED THROUGH LRS NIRMALABAI
PRAKASH JAIN AND ANOTHER

VERSUS

CHANDULAL PERUMAL POPALI DIED THROUGH LRS TARUN
CHANDULAL POPALI AND OTHERS

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Advocate for Applicant : Mr. Bora Rupeshkumar C.

Advocate for Respondents : Mr. S.H. Lathkar

h/f. Mr. S.P. Shah

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CORAM : ABHAY J. MANTRI, J.

DATE : 19TH DECEMBER, 2025

PER COURT :

1. Applicants/appellants have filed this application to condone the delay caused in preferring the application for bringing the legal heirs of deceased appellant nos. 1 and 2, who died on 24.12.2020 and 21.01.2024, and also to set aside the abatement order, if any. For which the learned Advocate for the respondents has strongly objected.

2. However, I do not find substance in the objection of the learned Advocate for the respondents to permit the applicants to bring the legal heirs of appellant nos. 1 and 2, on record as other appellant nos. 3 to 9 are contesting the appeal, and if the appellants permit the legal heirs to be brought on record, it would not prejudice the rights of the respondents. On the contrary, it would help determine the parties'

respective rights. Therefore, the application is allowed. Delay is condoned. Abatement order, if any, is set aside.

3. Applicants are permitted to bring the legal heirs of appellant nos. 1 and 2, on record within a period of two weeks from today, failing which, the application shall stand dismissed.

4. No further time will be granted.

5. After carrying out the amendment, supply a copy of the amended appeal memo to the respondents within a period of two weeks thereafter.

(ABHAY J. MANTRI, J.)

SPC