



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

**CIVIL APPLICATION NO. 4539 OF 2024
IN
SECOND APPEAL NO. 189 OF 2024**

Sudhakar Sambha Kamble .. Applicant

Versus

Babu Sudama Kamble Died Though
Its Lrs and others .. Respondents

Shri Aniket V. Patil, Advocate for the Applicant.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 09TH SEPTEMBER, 2025.**

FINAL ORDER :

. Heard Mr. Patil, learned counsel for the applicant. None appears for the respondents as well as proposed heirs of the respondent No. 5, though served.

2. Applicant is seeking condonation of delay of 2624 days caused in filing application for bringing legal heirs on record and setting aside abatement.

3. The respondent No. 5 is original defendant No. 5. The averments of the application have not been controverted. The respondent Nos. 1 to 4, who were plaintiffs did not take steps against the deceased respondent No. 5 as she died during the pendency of R.C.S. No. 664 of 2006. There is reason to believe

that death was not brought to the notice of the applicants, during the course of appeal.

4. For the reasons stated in the application, I am inclined to allow the same. The civil application stands allowed in terms of prayer clauses 'B', 'C' and 'D'. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Sept. 25