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

**CIVIL APPLICATION NO.4304 OF 2025
IN
CIVIL APPLICATION NO. 12154 OF 2024
IN CA/8574/2022
WITH
SECOND APPEAL NO. 406 OF 1980**

**WITH
CIVIL APPLICATION NO. 3382 OF 2025
IN CA/8573/2022
WITH
CIVIL APPLICATION NO. 8574 OF 2022
IN SA/406/1980**

**DATTU SANTU BUDHA LRS SUDAM AND ORS
VERSUS
AMMENABI MIR HUSSAIN KHAN LRS MAHMOODABI
AND ORS**

...
Ms. Preeti R. Wankhede, Advocate for the Appellants.
Shri A.R. Syed and Shri B.V. Virdhe, Advocates for the
respective respondents.

...

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 16th April, 2025

Per Court :-

1. The learned advocate for the appellants submits that she has filed Civil Application No.4304/2025 seeking amendment to Civil Application No.12154/2024 to incorporate the prayer for condonation of delay and setting aside the

abatement. However, she now submits that she wants to file a separate application seeking condonation of delay and setting aside the abatement, instead of pressing this application for amendment to Civil Application No.12154/2024.

2. Request is granted.

3. Civil Application No.4304/2025 is permitted to be withdrawn with liberty to file a fresh Civil Application seeking condonation of delay and setting aside the abatement with respect to respondent No.1-2G. Appropriate application be filed within a period of one week. In view of this, Civil Application No.4304/2025 is disposed of.

4. The matter be listed on 30.04.2025.

5. Till then, the statement made by the learned advocates for the respondents on 04.04.2025 that they will not press for orders for delivery of possession, shall continue.