



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

**CIVIL APPLICATION NO. 13929 OF 2024
IN
SECOND APPEAL NO. 770 OF 2005**

Tukaram Arjun Choudhari
Since deceased through L.Rs.
Bayanabai L.Rs. Dhondiram .. Applicant

Versus

Bhanudas Eknath Sawant
since deceased through L.Rs.
Ashok L.Rs. Subhadra and others .. Respondents

Shri Aditya V. Kasane, Advocate h/f Shri V. D. Salunke,
Advocate for the Applicant.
Shri B. A. Darak, Advocate for the Respondent Nos. 1 and 2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH JUNE, 2025.**

ORDER :

. This application is for condonation of delay, setting aside abatement and bringing heirs of the respondent No. 1-1 on record. It is submitted that for the reasons stated in the application it is desirable to condone the delay and permit the applicant to bring legal heirs of deceased respondent No. 1-1 on record.

2. Application is opposed by Mr. Darak, learned counsel for the respondents. He would submit that the application is

misconceived as there are no proper prayers for setting aside abatement.

3. Considering rival submissions of the parties, the cause of action survives against the heirs of the respondent No. 1-1. They are necessary parties. No prejudice would be caused to the respondents. It is desirable to allow the application. The civil application is allowed by condoning the delay, setting aside abatement and permitting applicants to bring heirs of the deceased respondent No. 1-1 on record as shown in the title cause of the application. Amendment to be carried out within a period of two (02) weeks from today. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/June 25