



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

**CIVIL APPLICATION NO. 13930 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 deceased applicant/Tukaram Arjun Choudhari on record. It is submitted that for the reasons stated in the application no steps could be taken to make the application in time. Applicants want to prosecute the matter sincerely because their interest is involved.

2. Application is opposed by the learned counsel Mr. Darak. Though there is huge delay in preferring application, I do not

find tangible reason to dismiss the application solely on that ground. I do not find any serious prejudice that would be caused to the respondents. The cause of action survives against the deceased application. The civil application is allowed in terms of prayer clauses 'A' and 'B'. The civil application is disposed of.

**[ SHAILESH P. BRAHME J. ]**

*bsb/June 25*