

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 774 OF 2025**

Executive Engineer Dudhganga Kalava Vibhag No. 1 ...Applicant

Versus

Babaso Pargonda Patil (deceased) Thr.

L.r.s. 1a) Sumitra Babaso Patil And Ors.

...Respondents

WITH

INTERIM APPLICATION NO. 11059 OF 2025

INTERIM APPLICATION NO. 11058 OF 2025

INTERIM APPLICATION NO. 11057 OF 2025

INTERIM APPLICATION NO. 11056 OF 2025

IN

FIRST APPEAL NO. 774 OF 2025

Babaso Pargonda Patil Decd. Thr. Lrs

...Applicants

Vs.

Executive Engineer Dudhganga

...Respondents

Kalava Vibhag No. 1

Ms. Chaitali A. Deshmukh Advocate for the Appellant.

Mr. Girish Kulkarni for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th OCTOBER, 2025.

P.C.

INTERIM APPLICATION NO. 11058 OF 2025

1. By this application, the applicant is seeking setting aside the abatement order.

2. It is the contention of learned counsel for respondent that she has filed the appeal. Hence, she will file application for setting aside the abatement.

3. Considering the submissions of learned counsel for the respondent, this application has become infructuous.

4. The application is dismissed and disposed of.

INTERIM APPLICATION NO. 11057 OF 2025:

5. By this application, the applicant seeks permission to bring on record legal heirs of deceased/respondent no. 2.

6. Considering the submissions of the learned counsel for the applicant, the application is allowed in terms of prayer clause (A). Legal heirs of deceased respondent no. 2 be taken on record. Appellant to carry out amendment within two weeks.

7. The application is disposed of in above terms.

INTERIM APPLICATION NO. 11056 OF 2025:

8. By this application, the applicant seeks condonation of delay caused in preferring application for substitution of deceased respondent no. 2.

9. Learned counsel for the respondent submits that she will

take steps against respondent no. 2.

10. Considering her statement, the application has become infructuous.

11. The application stands dismissed and disposed off.

12. Learned counsel for the respondent to take steps by the next date.

INTERIM APPLICATION NO. 11059 OF 2025 AND FIRST APPEAL NO. 774 OF 2025:

13. Stand over to 10th November 2025.

(SHIVKUMAR DIGE, J.)