

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 3429 OF 2017**

**IN**

**FIRST APPEAL NO. 703 OF 1996**

Smt. Prabhavati w/o. Lalji Alias Ramshiraoman  
Maurya  
(since deceased, through LRs)

...Applicants

**Versus**

Smt. Isaraji w/o. Ishwardin Maurya

...Respondent

**WITH**

**INTERIM APPLICATION NO. 6707 OF 2025**

**WITH**

**INTERIM APPLICATION NO. 6708 OF 2025**

**WITH**

**CIVIL APPLICATION NO. 2727 OF 2017**

**IN**

**FIRST APPEAL NO. 703 OF 1996**

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*Ms. Swati Gautam for Appellant.*

*Mr. Ramprakash Pandey for proposed Respondents.*  
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**Coram : Sharmila U. Deshmukh, J.**

**Date : 8<sup>th</sup> April, 2025.**

**P. C. :**

1. Civil Application No. 3429 of 2017 has been preferred for condoning the delay of 13 years for bringing on record the legal heirs of deceased-Respondent and for setting aside the abatement of First Appeal dated 31<sup>st</sup> August, 2017

2. The other Applications have been filed by the proposed legal heirs of the sole Respondent seeking to be impleaded as party to the present proceedings. As both parties desire that the legal heirs of the sole Respondent be brought on record, there is no opposition to the Application for setting aside the abatement.
3. In light of the above, order dated 31<sup>st</sup> August, 2017 is recalled and abatement is set aside.
4. Civil Application is allowed.
5. The First Appeal is restored to file. The Applicants are permitted to bring on record all the legal heirs of the sole Respondent detailed in the communication, annexed at Page No. 28 of the Interim Application No. 6707 of 2025. Amendment to be carried out within a period of three weeks from today.
6. Civil Application No. 2727 of 2017, Interim Application No. 6707 of 2025 and Interim Application No. 6708 of 2025 all stand disposed of in the above terms.

**[Sharmila U. Deshmukh, J.]**