IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

946 SECOND APPEAL NO. 224 OF 2020

Indian Oil Corporation Ltd. Thro. Poa. Raju Pralhad Gathe
VERSUS
Quadri Begum Baquar Hussain And Others
...
Mr. Bhandari Anand P., Advocate for Appellant

WITH

CIVIL APPLICATION NO. 4250 OF 2020 IN SA/224/2020WITH
CIVIL APPLICATION NO. 10463 OF 2024 IN SA/224/2020WITH
CIVIL APPLICATION NO. 10842 OF 2024 IN SA/224/2020
....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 07.10.2026

PER COURT :-

CIVIL APPLICATION NO. 10463 OF 2024

1. Heard learned Advocate for the Applicant.

2. This is an application seeking a direction to permit the Applicant to deposit an amount of Rs.74,930/- towards rent for the period from 01.03.2003 to 31.03.2024.

3. Perused the application. For the reasons stated therein, the application deserves to be allowed. Accordingly, the application is allowed in terms of prayer clause 'B'. The amount shall be deposited within a period of four weeks from today.

CIVIL APPLICATION NO. 10842 OF 2024

1. Heard learned Advocate for the Applicant.

2. This is an application for condonation of 841 days delay caused in filing the Civil Application for bringing the legal representatives of deceased Respondent No.3 on record as well as for setting aside abatement and permission to bring the L.Rs. of deceased Respondent No.3 on record.

3. Perused the application. Considering the reasons stated therein and the fact that the Applicants seek to bring the legal representatives of the deceased Respondent No.3 on record so as to enable this Court to decide the lis finally on merits, the delay deserves to be condoned as it is not deliberately caused. It is well settled that, while considering an application for setting aside abatement, the Courts are required to adopt a liberal approach, as laid down by the Hon'ble Supreme Court in the case of ***Perumon Bhagvathy Devaswom v. Bhargavi Amma (Dead) by LRs., (2008) 8 SCC 321***. In view of the facts and circumstances of the present case, the application deserves to be allowed in the interest of justice. Hence, the following order:

::ORDER::

a. The application is allowed.

b. The delay of 841 days caused in filing the Civil Application for bringing the legal representatives of Respondent No.3 on record is condoned.

c. The abatement is set aside.

d. Permission to bring the legal representatives of of deceased Respondent No.3 on record is granted. The amendment be carried out within a period of four weeks from today. If the amendment is not carried out within the stipulated period, the applicants shall be liable to pay costs of Rs.2,000/- to the Advocates' Chambers Allottees Maintenance Co-operative Society, High Court Premises, Chhatrapati Sambhajinagar.

[SANJAY A. DESHMUKH, J.]

HRJadhav