IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

965 CIVIL APPLICATION NO. 11436 OF 2026
WITH
CIVIL APPLICATION NO. 11437 OF 2026
IN/WITH SA/249/1994

Shivprasad Sitaram Tapdia Died Through Lrs 1/a Vijay Shivprasad Tapdia And Others
VERSUS
Kachrulal Premraj Bhandari Died Through Lrs 1/a Sunil Kachrulal Bhandari And Others
...
Advocate for Applicant : Mr. Sunil P. Sonpawale
Advocate for Respondent Nos. R/2 and 4/2 : Mr. Y.V. Gondhe h/f Mr. P. D. Bachate
.....

CORAM : **SANJAY A. DESHMUKH, J.**
DATED : **01st OCTOBER, 2026**

PER COURT :-

1. The civil application No. 11436 of 2026 is filed for condonation of delay of 3994 days caused in filing the application for bringing the legal representatives of deceased appellant sole on record.

2. Perused the application. Heard learned advocates for both the sides. For the reasons stated in the application, it appears that the delay has not been caused deliberately. The application, therefore, deserves to be allowed in the interest of justice and to enable the lis between the parties to be decided finally on its merits,

in view of the law laid down by the Hon'ble Supreme Court in ***Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy and Others, (2013) 1 SCC 649.***

3. Accordingly, the application is allowed. Delay stands condoned. Abatement is set aside. Amendment be carried out within two weeks from today, failing which the costs amount of Rs.2000/- be deposited in the account of High Court, Legal Services Sub Committee, Aurangabad.

4. The civil application No. 11437 of 2026 is filed for condonation of delay of 413 days caused in filing the application for bringing the legal representatives of deceased respondent No.2 on record.

5. Perused the application. Heard learned advocates for both the sides. For the reasons stated in the application, it appears that the delay has not been caused deliberately. The application, therefore, deserves to be allowed in the interest of justice and to enable the lis between the parties to be decided finally on its merits, in view of the law laid down by the Hon'ble Supreme Court in ***Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy and Others, (2013) 1 SCC 649.***

6. Accordingly, the application is allowed. Delay stands condoned. Abatement, if any, is set aside. Amendment be carried out within two weeks from today, failing which the costs amount of Rs.2000/- be deposited in the account of High Court, Legal Services Sub Committee, Aurangabad.

7. List the second appeal on 14.10.2026.

(SANJAY A. DESHMUKH, J.)

rlj/