



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

**CIVIL APPLICATION NO. 10319 OF 2024
IN
IN
FIRST APPEAL STAMP NO. 31789 OF 2023**

The Executive Engineer, N.M.C.
Division Vaijapur

.. Applicant

Versus

Bhartibai Hiralalsingh Rajput
Since deceased through her L.Rs.

Suresh Hiralalsingh Rajput and others .. Respondents

Shri Ram B. Deshpande, Advocate for the Applicant.

Shri Suresh N. Rodge, Advocate for the Respondent No. 1.

Shri N. D. Raje, A.G.P. for the Respondent No. 2.

CORAM : SHAILESH P. BRAHME, J.

DATE : 27TH JANUARY, 2026.

FINAL ORDER :

. Heard both sides.

2. Applicant – acquiring body seeks condonation of delay of 542 days caused in preferring civil application for setting aside abatement and bringing legal heirs of the deceased Bharatibai Hiralalsingh Rajput on record.

3. Those legal heirs are served and learned advocate Mr. Rodge has instructions to appear on their behalf. The cause of

action survives as against the heirs of the deceased Bharatibai Rajput. They are necessary parties. The delay is unintentional. The civil application is allowed in terms of prayer clauses 'B' and 'C'. The civil application is disposed of.

4. Amendment shall be carried out within a period of two (02) weeks from today.

[SHAILESH P. BRAHME J.]

bsb/Jan. 26