



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

**CIVIL APPLICATION NO. 153 OF 2026
IN
FIRST APPEAL NO. 39 OF 2026**

The Executive Engineer, Irrigation
Strengthening Department K. K.C.
Omerga .. Applicant

Versus

Tukaram Bhimanna Vasudeo
Since deceased through his L.Rs.
Shrishal @ Shrishail and others .. Respondents

Shri Mukul S. Kulkarni, Advocate for the Applicant.
Shri Ameya N. Sabnis, Advocate for the Respondent No. 1.
Shri S. N. Morampalle, A.G.P. for the Respondent Nos. 2 and 3.
Shri Manoj D. Shinde, Advocate for the intervenor.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 06TH FEBRUARY, 2026.**

FINAL ORDER :

. The applicant – acquiring body seeks to condone delay of 3022 days caused in preferring application for setting aside abatement and bringing the legal heirs of deceased claimant No. 1 – Tukaram Bhimanna Vasudeo on record.

2. The cause of action survives as against the legal heirs of the deceased. They are necessary parties. The delay stands condoned. Abatement is set aside. The civil application is disposed of.

3. Both the parties shall be at liberty to carry out amendment. Amendment shall be carried out within a period of two (02) weeks from today.

[SHAILESH P. BRAHME J.]

bsb/Feb. 26