



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2477 OF 2026

Sanjay Kishanrao Bhosle

VERSUS

Gangabai Bhanudas Raut Deceased Thr Lrs Ganesh Bhanudas Raut

...

Adv. Anjali Dube, Advocate for the Petitioner

CORAM : S. G. CHAPALGAONKAR, J

DATE : APRIL 22, 2026

PC:

1. The present Petitioner impugns order dated 19.11.2025 passed below Exhibits 117, 121 & 123 in Special Civil Suit No. 11/2011 by Joint Civil Judge, Senior Division, Ambajogai thereby allowing application filed by Respondent for setting aside abatement order and granting permission for bringing LR's deceased plaintiff Ganubai on record.

2. The Respondents are legal heirs of Gangubai Bhanudas Raut who instituted Special Civil Suit No. 11/2011 along with other Plaintiffs for relief of declaration to effect that Plaintiffs are entitled to hold and possess suit land Survey No. 370 to extent of 4 Acre 38 Gunthas situated at village and Tq. Ambajogai. It appears that during pendency of suit on 09.03.2023 Plaintiff No. 1 – Gangubai expired. The Respondents filed an application for substituting them as legal heirs of deceased Plaintiff No.1. They have also filed an applications for setting aside abatement and condonation of delay. The Trial Court after considering rival submissions, allowed applications.

3. Smt. Dube, learned Advocate appearing for Petitioner, submits that

Trial Court has mechanically condoned delay caused in filing Application for bringing LR's on record. She points out that Plaintiff No. 1 died on 09.03.2023 whereas application was filed for bringing LR's on 23.08.2025 along with application for condoning delay of 26 months and 8 days. There is absolutely no explanation so as to condone delay. The Trial Court erroneously condoned delay without recording sufficient reasons.

4. Having considered submissions advanced, it can be observed that suit was instituted by in all 9 Plaintiffs including deceased Gangubai. Respondents have given explanation for delay that they were not aware of procedure of law and the advocate representing them has been changed as they were not in contact with him for some time. All these contentions are considered by Trial Court to condone delay. This Court finds that parties are litigating their rights over immovable property and in such cases, decision on merits is advisable. The Trial Court has exercised discretion while condoning delay and setting aside abatement order. This Court do not find any reason to interfere in exercise of writ jurisdiction. Hence, Writ Petition stands dismissed.

5. The learned Advocate appearing for Petitioner persuaded this Court to expedite hearing of suit.

6. Considering period of pendency of suit and nature of litigation, Trial Court shall endeavour to decide suit expeditiously and in any case, within a period of one year from today.

(S. G. CHAPALGAONKAR, J.)