



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

**CIVIL APPLICATION NO. 1285 OF 2026
IN
FIRST APPEAL NO. 395 OF 2025**

Digambar Rama Devkar
Since deceased through his L.Rs.
Maruti Digambar Devkar .. Applicant

Versus

The State of Maharashtra, through the
Collector Osmanabad and others .. Respondents

Shri Laxmikant C. Patil, Advocate for the Applicant.
Shri S. V. Hange, A.G.P. for the Respondent Nos. 1 and 2.
Shri Anil M. Gaikwad, Advocate for the Respondent No. 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 02ND FEBRUARY, 2026.**

FINAL ORDER :

. Applicant seeks to condone delay caused in filing application for setting aside abatement and bringing the legal heirs of deceased claimant – Digambar Rama Divekar on record.

2. The cause of action survives as against the legal heirs of the deceased claimant. They are necessary parties. The delay is unintentional, which stands condoned. The abatement if any is set aside. Legal heirs of deceased claimant are allowed to be brought on record. The civil application is disposed of.

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

[SHAILESH P. BRAHME J.]

bsb/Feb. 26