



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

85 CIVIL APPLICATION NO. 2868 OF 2026
IN FA/429/2024

HARILAL VITHALRAO PATIL DIED PRABHAWATI HARILAL
PATIL AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER AND ANOTHER

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Advocate for Applicants : Mr. Aditya V. Kasane h/f Mr. Jaydeep
Samadhan Kadam.

AGP for Respondent/s-State : Mr. S. N. Morampalle.

Advocate for Respondent No.1 : Mr. Pramod A. Pisal.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 10.03.2026

PER COURT :-

1. Applicants seek to condone delay of 392 days in setting aside abatement and bringing legal heirs of Gorakh Vithalrao Patil on record.
2. The cause of action survives as against the legal heirs of the deceased. They are necessary parties. There is no reason to infer any malafides on the part of the applicants for filing application belatedly. Delay stands condoned, abatement is set aside. Leave is granted to bring heirs of the deceased on record.
3. Civil application is allowed accordingly.

4. Both parties shall be at liberty to carry out the amendment.

(SHAILESH P. BRAHME, J.)

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vmk/-