



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION (CAS) NO. 829 OF 2025

AND

CIVIL APPLICATION (CAS) NO. 830 OF 2025

AND

CIVIL APPLICATION (CAS) NO. 831 OF 2025

IN

SECOND APPEAL NO. 375 OF 2023

SOMAJI @ MODKU S/O SADAN @ SADARAM BISEN (DEAD) THROUGH LRS

Vrs.

SAGANBAI W/O BABULAL KATRE AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M. R. Johrapurkar, Advocate for applicants.
Shri S. T. Sakhare, Advocate h/f Shri V. R. Borkar, Advocate for LR's of
respondent No.1.
Ms. Archana Mhaske, Advocate h/f Shri Prashant Gode, Advocate for
respondent No.3.

CORAM: Y. G. KHOBRAGADE, J.

DATE : 11/06/2026.

1. Heard learned counsel appearing for the respective parties at length.
2. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the record.
3. These are the applications for setting aside abatement, condonation of delay and for bringing legal heirs of deceased respondent No.1 on record.
4. Since the cause of action survives in the present appeal, all these applications are allowed on the ground set out in the applications.

5. Accordingly, delay of 948 days caused for setting aside abatement and bringing LRs of respondent No.1 is hereby condoned, abatement is set aside against respondent No.1 and the appellant is permitted to bring the legal heirs of deceased respondent No.1 on record.

6. Necessary amendment be carried out within a period of seven days from today.

7. The applications are disposed of.

Civil Application (CAS) No.1381/2023 In Second Appeal No.374/2023 and Civil Application (CAS) No.1382/2023 in Second Appeal No.375/2023.

8. Stand over to **02/07/2026.**

[JUDGE]