



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

**CIVIL APPLICATION (CAS) NO. 489 OF 2026**

**IN**

**SECOND APPEAL NO. 261 OF 2024**

Kamlesh S/o. Shivprasad Gupta and another

Vs.

Daulat Shankarrao Awale and others

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

Court's or Judge's Order

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Ms. Aarzoo Gulani, Advocate for appellants.  
Shri Yash Bage h/f. Ms. Ketki Jaltare, Advocate for LR's of respondent no. 1.  
Shri S. S. Chopde, Advocate for respondent no. 3.

**CORAM :- Y. G. KHOBRAGADE, J.**

**DATED :- 17.04.2026**

Heard the learned counsels for the respective parties at length.

2. By the present application, the appellants set out prayer clause for setting aside abatement of respondent no. 1, condonation of delay caused in filing the application for bringing legal heirs of deceased respondent no. 1 on record and bringing legal heirs of deceased respondent no. 1 on record.

3. The respondents have not denied the death of respondent no. 1 on 23.11.2023. The respondents have also not disputed about the legal heirs of deceased respondent no. 1 set out in para 7 of the application.

4. Since, the cause of action survives and the grounds set out in the application for setting aside abatement and condonation of delay appear to be bonafide and substantial hence, I am inclined to allow the present application and proceed to pass the following order:-

- i) The application is hereby allowed.
- ii) The abatement of respondent no. 1 is set aside.
- iii) The delay cause in lodging the application for bringing legal heirs of deceased respondent no. 1 is hereby condoned.
- iv) The appellants are permitted to bring the legal heirs of deceased respondent no. 1 on record as described in para 7 of the application.
- v) The necessary amendment be carried out within a period of two weeks from today.

**CIVIL APPLICATION (CAS) NO. 1292/2025**

5. In view of the order passed below CAS No. 489/2026, the cause in the present application does not survive hence, it is disposed of accordingly.

(Y. G. KHOBRAGADE, J.)