



(1)

914 ca 1011.24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO. 1011 OF 2024
IN CP/360/2020 IN WP/1063/2005

SHANTABAI SHAMRAO JAMDADE DIED LRS KALPANA AND ORS.
VERSUS
AJIJ SHAIKH AND ORS.

.....

Advocate for the Applicants : Mr. Choudhari N. L.
AGP for Respondent/State : Mr. S.S. Dande
Advocate for the Respondents : Mr. Subodh P. Shah

.....

CORAM : Y.G. KHOBRAGADE, J.
DATE : 26.03.2026

PC.:-

1. By the present application, the applicants prayed for condonation of delay of 598 days caused while lodging the present application and also seeks permission to bring the legal heirs of deceased applicant no.1 described in para no. 2 of the application on record.

2. The learned counsel appearing for the non-applicant no.2 strongly opposed the application on the ground that no legal rights are accrued to the legal heirs of the deceased/applicant no.1 to prosecute the present application as well as the contempt petition. However, on face of record it appears that, the applicant nos.1 to 10 who are allegedly employees of the Municipal Corporation Dhule sought action against the present non-



applicants under the Contempt of Courts Act for disobeying the judgment and order dated 10.07.2015 passed in Writ Petition No.1063/2005 and other bunch of petitions. However, during the pendency of contempt petition on 28.04.2021 the applicant no.1 died leaving behind her legal heirs applicant nos.1(a) and 1(b) as described in para no.2. Therefore, certainly right to sue survives.

3. In view of above, considering the grounds set out in the application the delay of 598 days caused while lodging the application is hereby condoned. Abatement is set aside. The applicants are permitted to bring the legal heirs of deceased/applicant no.1 on record. Amendment be carried out within a period of two weeks from today. Accordingly, civil application no.1011/2024 stands disposed of.

4. Place the contempt petition on 23.04.2026.

[Y.G. KHOBRAGADE, J.]