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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1725 OF 2014  
IN  
SECOND APPEAL NO.107 OF 2011

|                        |                |
|------------------------|----------------|
| Dattu G. Kadam & Ors.  | ...Applicants  |
| V/s.                   |                |
| Ramrao K. Kadam & Ors. | ...Respondents |

Mr.Kayval P. Shah for the Applicants.

Mr.S.T. Bhosale with Mr.Dilip Bodke for the Respondent No.1.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 4TH DECEMBER, 2015.**

**P.C. :-**

1. By this civil application the applicants seek condonation of delay in filing the civil application and for setting aside the abatement and for seeking permission to bring the legal heirs of the respondent no.1 (original appellant) on record.
2. Learned counsel for the respondents has opposed the civil application and would submit that the delay is not properly explained. He submits that though there was delay on the date of filing this civil application, there was no prayer for condonation of delay.
3. A perusal of the civil application indicates that the civil application was prepared in the month of March, 2014, however, was

affirmed on 6<sup>th</sup> June, 2014. When the civil application was filed, in view of the delay caused in this interregnum period, the applicants prayed for condonation of delay.

4. I have perused the civil application and I am of the view that the delay in filing the civil application is properly explained. The delay is thus required to be condoned and the abatement, if any, is required to be set aside. The applicants are granted permission to bring the legal heirs of the original appellant on record.

5. The civil application is accordingly made absolute in terms of prayer clauses (a), (b), (c) and (c-i). The amendment to be carried out within two weeks from today. The amended copy of the second appeal shall be served upon the advocate of the respondents simultaneously. No order as to costs.

**(R.D. DHANUKA, J.)**