

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

40 CIVIL APPLICATION NO. 1250 OF 2016
IN SA/1744/2004

DR BHAGIRATH PUNJAJI KUSHARE DIED LRS KUSUMTAI AND ORS
VERSUS
HARSHWARDHAN GAURAMCHAND JAIN

...
Advocate for Applicants : A N Ansari
AGP for Respondent : A.S. Bajaj
...

CORAM : T.V. NALAWADE, J.
DATED : 22nd March, 2016.

ORDER :

1. The application is filed for setting aside the abatement of appeal as sole appellant is dead and give permission to legal heirs of deceased appellant to come on record. The application to bring the legal heirs is not filed within time. Both the sides are heard.
2. In view of the contents of the application and submissions made, the application is allowed. Delay is condoned. Abatement of appeal, if any, is set aside. Permission is granted to legal heirs to come on the record to prosecute the appeal. Amendment is to be carried out in appeal memo. List the appeal for final hearing on 30.4.2016.

[T.V. NALAWADE, J.]

ssc/