

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1611 OF 2015
in
SECOND APPEAL NO.119 OF 2012**

Suman Ashok Deshmukh & Ors. .. Applicants

In the matter between
Kalavati Narayan Deshmukh (since deceased)
through her legal heirs & Ors. .. Appellants
Vs.

Jagannath Shankar Deshmukh (since deceased)
through his legal heirs
1A. Siddhant Jagannath Deshmukh & Ors. .. Respondents

Mr.M.M.Sathye for the Applicants.
None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 23rd November 2016

P.C.

. Learned counsel appearing for the applicants states that all the respondents are served. None appears for the respondents though served. No affidavit-in-reply is filed.

2. By this civil application, the applicants seek condonation of delay of 1 year and 24 days in filing the civil application and setting aside the abatement of the second appeal in so far as the appellant no.3 is concerned and seek amendment to the second appeal by impleading the appellant nos.3A to 3D as the legal heirs of the deceased appellant no.3.

3. I have heard the learned counsel for the applicants and have perused the averments made in the civil application. In my view, the delay in filing the civil application is satisfactorily explained. The applicants have made out a case for setting aside abatement of the second appeal in so far as the appellant no.3 is concerned and for carrying out amendment to the second appeal by impleading the appellant nos.3A to 3D as the legal heirs of the deceased appellant no.3. A copy of the Death Certificate of the deceased appellant no.3 is annexed to the civil application.

4. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clauses (a) to (d). No order as to costs. Amendment to be carried out within two weeks from today. Amended copy of the second appeal shall be served upon the respondents within two weeks from the date of carrying out the amendment.

R.D. DHANUKA, J.