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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1754 OF 2015
IN
SECOND APPEAL NO.444 OF 2014

Kamal B. Chougule ...Applicant

IN THE MATTER BETWEEN :

Smt.Indubai B. Chougule & Anr. ...Appellants

V/s.

Babu B. Vharate & Ors. ...Respondents

Mr.P.R. Suryavanshi i/b Mr.Gajanan M. Savagave for the Applicant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 16TH SEPTEMBER, 2016.

P.C. :-

1. Learned counsel appearing for the applicant states that all the respondents are served. The statement is accepted.

2. By this civil application, the applicant seeks condonation of delay of 33 days in filing the civil application, for setting aside the abatement, if any and for bringing the legal heirs and representatives of the sole appellant on record. None appeared for the respondents. No affidavit in reply has been filed by the respondent.

3. I have heard the learned counsel appearing for the

applicant and perused the averments made in the civil application and also a copy of the death certificate annexed as Annexure-A to the civil application. The applicant has made out a case for grant of relief as prayed in the civil application.

4. For the reasons recorded in the civil application, the civil application is made absolute in terms of prayer clauses (a), (a-1) and (b). The amendment to be carried out within two weeks from today. The amended copy of the second appeal shall be served upon the respondents.

5. The civil application is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)