

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

**CIVIL APPLICATION NO.209 OF 2017
IN
SECOND APPEAL NO.374 OF 2014**

Minakshi Wamanrao Kulkarni And Another... Applicants
Versus

Kashinath Ganpat Keche
deceased through legal heirs

1A. Dattatraya Kashinath Keche And Others ... Respondents

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Mr. Gauri Velankar i/b Mandar Liyame for the Applicants.

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CORAM : S.C. GUPTE, J.

DATE : 3 MARCH 2017

P.C. :

. This civil application is for setting aside an abatement order in the second appeal as against Respondent No.1D. There is a delay of about 43 days in filing the civil application. The civil application is on the footing that though the Bailiff's report suggest that Respondent No.1D is dead, the Applicants' information is that she is not infact dead and that the second appeal can be duly served on her. For the reasons stated, the delay is condoned and the civil application is allowed in terms of prayer (b) thereof. A fresh notice be issued of the second appeal on Respondent 1D, returnable on 3 April 2017. The Applicants are permitted to effect a private service and file an affidavit of service till the next date.

(S.C. GUPTE, J.)