

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

**CIVIL APPLICATION NO. 1701 OF 2015
IN
SECOND APPEAL NO. 455 OF 2015**

Aba Sagu Jagdale
Through POA Sou. Shakuntala Aba Jagdale ... Applicant
V/s.
Shantaram Sagu Jagdale & Ors. ... Respondents

- Mr.Vasant D. Raut for the Applicant.
- Mr.M.V. Rawool i/b. Mr.Avinash B. Avhad for Respondent Nos.3, 5 to 11, 13 to 15.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 6th JUNE, 2018.

P.C. :

1] The office remark shows that the proposed legal heirs of Respondent Nos.2 and 4 are duly served but they have not appeared in the Court.

2] In view thereof, though there is delay of about 2 years and 159 days in brining the legal heirs of Respondent Nos.2 and 4 on record, considering that the Respondent Nos.2 and 4 has died during

the pendency of the First Appeal, which was preferred by the Plaintiffs and in which the present Appellant, who was Respondent No.4, the delay is condoned and the abatement, if any, is set-aside.

3] The Civil Application is allowed. The Appellant/Appellant to carryout necessary amendment in the Appeal Memo to bring the legal heirs of Respondent Nos.2 and 4 on record. The amendment to be carried out within three weeks from today.

4] The Civil Application is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]