

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**918 CIVIL APPLICATION NO.633 OF 2019
IN SA/855/2016 WITH CA/15630/2016 IN SA/855/2016**

MANDAVDHARI NARAYAN DEVKATE (DECEASED) LRS
SHIVAJI AND OTHERS
VERSUS
SAKHARAM RAMBHAU KOKATE

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Mr. H.V. Tungar, Advocate for the applicants

Mr. A.S. Londhe, Advocate for the respondent Nos.1 and 2

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 09th APRIL, 2019

PER COURT :

1 Present application has been filed for setting aside abatement and condoning the delay of 21 days in bringing the legal representatives of appellant on record. During the pendency of the appeal it appears that the appellant No.1 Mandavdhari expired on 23.08.2018. It appears that her son Shivaji is already on record as appellant No.3. So, practically there is no abatement as such. Yet, it is stated that there is delay of 21 days in bringing her legal representatives on record. Taking into consideration a short period of delay, if at all it is to be counted, liberal approach is required to be taken.

No doubt, the learned Advocate for the respondent Nos.1 and 2 has raised strong objection. Taking into consideration the liberal approach, the application is allowed. Delay is condoned. Abatement is set aside. The legal representatives of appellant No.1 be brought on record within 14 days i.e. on or before 24.04.2019 from today.

(Smt. Vibha Kankanwadi, J.)

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