

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

**CIVIL APPLICATION NO.2860/2019
in
FIRST APPEAL NO.892/2005**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Advocate Mrs.Gunjan Shah i/b P.B. Shah for applicant.
AGP Mr. A.R.Patil for State.

**CORAM : K. K. TATED, J
DATE :AUGUST 16, 2019.**

P.C.:

Not on board. At the request of learned advocate for appellant, matter is taken on production board for urgent orders.

2 Heard learned counsel for applicant.

3 By this civil application, applicants are seeking permission to bring legal heirs on record of deceased/appellant no.2 Premlata Muralidhar Jhamvar who died on 22.11.2015.

4. Learned advocate for applicant submits that for want of knowledge it remained on the part of the legal heirs of the deceased-appellant no.2 to prefer application immediately. He submits that they have good chance of success. He submits that in the interest of justice, this court be pleased to set aside abatement and condone the delay in filing civil application for bring legal heirs on record of deceased-appellant no.2. He submits that if application is not allowed, irreparable loss would be caused.

5. Learned AGP Mr.A.R.Patil submits that applicant failed to disclose sufficient cause for condonation of more than 3 years in filing first appeal. He submits that hence, first appeal be dismissed.

6. I heard both sides at length.

7. Considering the submissions made by learned counsel for applicant and the averments made in civil application, I am satisfied that applicant has made out a case for following order.

a) Abatement is set aside.

b) Delay in filing civil application is condoned.

c) Applicant is permitted to bring legal heirs on record of deceased-appellant no.2 in First Appeal 892/2005 on or

before 21.9.2019 failing which first appeal shall stand dismissed without referring back to the court.

d)If amendment is carried out within stipulated time applicant to serve amended copy of appeal memo to respondent immediately thereafter.

d)Civil application stands disposed of.

e) No order as to cost.

(K.K.TATED, J.)