

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

CIVIL APPLICATION (ST) NO.25577 OF 2018

Laxman Sambhaji Shinde

Since deceased through his legal heirs

1. Vimal L. Shinde and & Ors.

... Applicants

Vs

Shankar Sambhaji Shinde

(Died)

1a. Sushila Ganesh Shinde and Ors.

... Respondents

...

Mr. Laxman Bedekar I/by Mr. Sandeep katke for the
Applicants.

None for the Respondents.

CORAM : SANDEEP K. SHINDE J.

DATE : 7 MARCH, 2019

P.C. :

Not on board. Taken on Board.

Pending this appeal, the sole applicant/appellant died on 25th January, 2016. That since his legal heirs were not brought on record, appeal was abated and, therefore, disposed of by this Court on 16th January, 2018.

2 Applicant seeks to set aside the order dated 16th January, 2018 with a prayer that he may be permitted to bring legal heirs of

the appellant on record. Yet another prayer is for condonation of the delay caused in preferring this application for setting aside the order dated 16th January, 2018.

3 That for the reasons stated in the application, delay is condoned and the order dated 16th January, 2018 is recalled and set aside subject to condition that the applicant shall carry out consequential amendment within two weeks from today. If such amendment is not carried out, the appeal shall stand dismissed without further reference to the Court.

4 The Civil Application is allowed in the above terms.

(SANDEEP K. SHINDE, J.)