

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

**CIVIL APPLICATION NO.473 OF 2019
IN
SECOND APPEAL NO.159 OF 2019**

Motilal Maikulal Gupta .. Applicant/Appellant
Vs.
Sayyed Ayyub Mohyauddin Solapurkar
(since deceased) through his legal heirs
1/1. Fatima Sayyed Ayyub Solapurkar & Ors. .. Respondents

Mr.Rohit Joshi i/by Ms.Gauri Godse for the applicant/appellant.
Mr.Somnath Thengil h/f Mr.Sachin Dhakephalkar for the respondent
nos.1/2, 1/4 and 1/5.

**CORAM : R.D.DHANUKA, J.
DATE : 9th September 2019**

P.C.:

. Learned counsel appearing for the respondent nos.1/2, 1/4 and 1/5 accepts service on behalf of the proposed legal heirs of the respondent no.1/3.

2. By this civil application, the applicant seeks condonation of delay of 180 days in filing civil application, for setting aside abatement and for bringing the legal heirs of deceased respondent no.1/3 in the second appeal. No affidavit-in-reply is filed.

3. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clauses (a) to (c). Amendment to be carried out within two weeks from today. Amended

copy of the second appeal shall be served upon the respondents as well as new added parties within one week from the date of carrying out amendment. No order as to costs.

R.D.DHANUKA, J.