

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

**CIVIL APPLICATION NO. 1211 OF 2017
IN
FIRST APPEAL NO. 576 OF 1995**

Dinkar Parasu Rabade (Since deceased) Through LRs. V/s. Sadashiv Parasu Rabade & Anr.	...	Applicants Respondents
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- Mr.P.D. Dalvi i/b. Mr.Kalpesh Patil for the Applicants.
- Mr.Kedar P. Lad for Respondent Nos.2C, 2E, 2F and 2G.
- Mr.C.G. Gavnekar a/w. Mr.A.C. Gavnekar a/w. Mr.G.S. Hiranandani for Respondent No.1.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 16th JANUARY, 2019.

P.C. :

- 1] Heard learned counsel for both the parties.
- 2] This application is preferred to bring on record the legal heirs of Respondent No.2 by condoning the delay of 1 year and 260 days and setting aside the abatement against Respondent No.2.
- 3] Though there is substantial delay, considering that the Appeal is already admitted and is of the year 1995, in the interest of justice, in view of the no objection given by learned counsel for Respondent No.1 also, the Application is allowed. The delay is

condoned. The abatement is set-aside. The Appellant to carryout necessary amendment in the Appeal Memo to bring on record the legal heirs of Respondent No.2.

4] In view thereof, the Application is allowed. The delay is condoned. The abatement of the Appellant is set-aside. The Appellant to carryout necessary amendment in the Appeal Memo to bring on record legal heirs of the Appellant within the period of two weeks from today.

[DR.SHALINI PHANSALKAR-JOSHI, J.]