

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.442/2019**  
**IN**  
**APPEAL FROM ORDER NO.743/2016**

|                                                                                                           |                            |
|-----------------------------------------------------------------------------------------------------------|----------------------------|
| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders. |
| Mr.Omprakash Singh for the Applicant.<br>Mr.Rajan Yadav I/b Kiran Jain & Co. for respondent no.1.         |                            |

**CORAM : K.K.TATED, J.**  
**DATED : APRIL 26, 2019**

**P.C.**

1. Heard learned counsel for parties.
2. Learned advocate for applicants submits that they already served all respondents. To that effect he has filed an affidavit of service dated 5.4.2019.
3. Inspite of service, no one appeared on behalf of other respondents.
4. By this civil application applicants are seeking condonation of 78 days delay, in filing civil application, for bring the legal heirs on record of deceased appellant who died on 15.11.2018.
5. Considering the submissions made by

learned counsel for applicant, averments made in civil application, I am satisfied that applicant has made out case for following order.

- a) Delay in filing civil application is condoned.
- b) Abatement is set aside.
- c) Applicant is permitted to bring legal heirs on record of deceased appellant in Appeal from Order No.742/2019, on or before 21.6.2019, failing which the civil application shall stand dismissed without referring back to the Court.

**(K.K.TATED, J.)**