

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

**CIVIL APPLICATION NO. 281 OF 2019
IN
SECOND APPEAL NO.343 OF 2014**

Vishnu Babu Tate and others ... Applicants

In the matter between

Vishnu Babu Tate and others ... Appellants

Versus

Shankar Kadu Tate

Since deceased through legal heirs

1a. Shevanta Shankar Tate and others ... Respondents

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Ms Vrushali Penkar i/b Preeti Walimbe for the Applicants

Mr. Kalpesh U. Patil for legal heirs of respondent No.1.

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CORAM : SANDEEP K. SHINDE, J.

DATE : 15th FEBRUARY, 2019.

P. C.:

1. Pending admission, respondent No.1 died on 2nd August, 2014. This application is filed for bringing legal representatives of deceased respondent No.1 on record. However, the application was not filed within time. Thus, condonation of delay of four years is sought.

2. Learned Counsel appearing for legal representatives of respondent No.1 has opposed this application.

3. I have perused the application and the averments made in paragraph no.9 of it; sufficient cause is shown, which prevented the applicants from filing this application within time. The delay is therefore condoned and the application is allowed in terms of prayer clauses (a) and (b).

4. The applicants shall carry out consequential amendments within a period of fourteen days from today and serve the amended copy to the respondents. Kalpesh U. Patil learned Counsel waives for respondent Nos. 1a to 1f.

5. Civil application is disposed of.

6. Appeal be listed for admission on 5th March, 2019.

(SANDEEP K. SHINDE, J.)