

Vina Khadpe
(Personal Assistant)

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

**CIVIL APPLICATION NO.1412 OF 2015
IN
FIRST APPEAL NO.939 OF 2000**

Balkrishna S. Shetty and ors .. Applicants /
Appellants

Versus

Narayan Shantaram Shetty .. Respondent

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- Mr.Aditya A. Kavale i/b. M/s. Zohair & Co. for the applicants.
 - None for the respondent.
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CORAM : SHRIKANT D. KULKARNI, J.

DATE : JANUARY 17, 2020.

P.C.:

- 1.** Heard Mr.Kavale for the applicants.
- 2.** This is an application for condonation of delay in bringing on record legal heirs of appellant no.2.
- 3.** Perused the record.
- 4.** The respondent has failed to file reply inspite of giving him sufficient time. Today, none appears for the respondent when the matter is called out.
- 5.** It is noticed that there is delay of 550 days in preferring this civil application for setting aside abatement and to bring

on record legal heirs of deceased appellant no.2 and to carry out necessary amendment in the array of appeal memo. In order to decide the appeal on merits and in view of the nature of cause, it is necessary to set aside the abatement and allow the appellants to bring on record the legal heirs of appellant no.2. No prejudice would be caused to the respondent, if the prayer of the appellants is allowed. Hence, the civil application stands allowed. Delay is condoned. The abatement of appellant no.2 is set aside.

6. The appellants to bring on record legal heirs of deceased appellant no.2 by carrying out necessary amendment within two weeks from today. The appellants shall furnish a copy of amended appeal memo to the Registry. The appellants to serve amended appeal memo upon the respondent within four weeks from today.

Vina A.
Khadpe

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signed by
Vina A.
Khadpe
Date:
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[SHRIKANT D. KULKARNI, J.]