

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2574 OF 2020**

Vasantdada Shetkari Sahakari Sakhar Karkhana Ltd.	 Petitioner.
V/s	
Gangadhar Baburao Patil & Ors.	 Respondents.

Mr. Umesh Mankapure for the Petitioner.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 9, 2021

P.C.:-

1] After death of Plaintiff No.5 on 7/9/2016, on 18/11/2019, Application-Exhibit-143 for bringing legal heirs, Exhibit-144 for setting aside abatement and for condonation of delay came to be moved, which are allowed by the order impugned dated 2/12/2019.

2] Submissions are, delay was not properly explained as there is long delay of about three years. It appears that suit proceedings were stayed for some time which cause was cited in the application for condonation of delay for setting aside the abatement. Apart from above, it is also established that the lawyer who was appearing has

expired and that being so, there was no intimation about status/stage of the proceedings.

3] The reasons cited in support of the order impugned appear to be just and proper. The only modification which is warranted is, costs of Rs 400/- is enhanced to Rs 1500/- to be deposited in the Trial Court which the Petitioner is entitled to withdraw.

(NITIN W. SAMBRE, J.)