

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

**INTERIM APPLICATION NO. 3168 OF 2021
IN
FIRST APPEAL NO. 1386 OF 2017**

Arvind Krishnadas Mistry	...Applicant
In the matter between	
Arvind Krishnadas Mistry	...Appellant
Versus	
Pranjivan Krishnadas Mistry & ors.	...Respondents

Mr. Pritesh Bura, a/w R. F. Totala, Ms. Khushboo Rajgor, i/b
Pritesh Burad & Asso., for the Applicant/Appellant.
Mr. Ruchir Tolat, i/b L. C. Tolat, for original Respondent nos.1
& 3.

**CORAM: N. J. JAMADAR, J.
DATED : 29th OCTOBER, 2021**

PC:-

1. Heard Mr. Bura, the learned Counsel for the applicant/
appellant.
2. Mr. Tolat, the learned Counsel, submits that he has
instructions to appear on behalf of proposed respondents – legal
representatives of respondent no.1 – original plaintiff, Mr.
Pranjivan Mistry, who has expired on 17th April, 2021.
3. The learned Counsel further submits that the proposed
respondents have no objection to implead them as party
respondents to this appeal in the capacity of the legal
representatives of deceased respondent no.1.

4. In view of the averments in the application and aforesaid submission, the delay in taking out the application stands condoned.
5. The abatement stands set aside.
6. The appellant is permitted to bring the legal representatives of the deceased respondent no.1, on record in accordance with the schedule of amendment, tendered across the bar.
7. Necessary amendment be carried out within three weeks from today.
8. The application stands disposed of.

[N. J. JAMADAR, J.]