

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2557 OF 2020
IN
SECOND APPEAL NO.98 OF 2014**

Prabhakar Laxman Surve .. Applicant/Appellant

vs.

Vithabai Parasu Belose and ors. .. Respondents

Mr. Balasaheb Deshmukh for the Applicant/Appellant.

Mr. Siddesh Pilankar I/b. Mr. Uday Warunjikar for the Respondents.

**CORAM : M.S.KARNIK, J.
DATE : JUNE 30, 2021
(THROUGH V.C.)**

P.C.

Heard learned counsel for the Applicant/Appellant.

2. This is an Application for bringing the legal heirs of deceased Respondent No.3.1 on record. The death certificate is enclosed mentions the date of death as 25.08.2018. There is a delay of 460 days in filing an Application for setting aside the abatement and for bringing the legal heirs of deceased Respondent No.3.1 on record. The reasons have been stated in the Application in paragraph Nos.3, 4 and 5. Learned counsel for the Respondents opposed the Application as belated.

3. For the reasons mentioned in the Application more particularly paragraph Nos.3, 4 and 5, I find the explanation offered

by the Applicant for the delay in filing the Application for setting aside the abatement and for bringing the legal heirs of deceased Respondent No.3.1 on record is reasonable and sufficient. For the cause shown, the Application deserves to be allowed in terms of prayer clause (a) and further that abatement is set aside and the Applicant is permitted to bring the legal heirs of Respondent No.3.1 as shown in the cause title on record of the memo of the Second Appeal and connected applications.

4. Amendment to be carried out within a period of two weeks from today.

5. Interim Application is allowed and accordingly disposed of.

6. List the Second Appeal as per the CMIS date.

(M.S.KARNIK, J.)