

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1711 OF 2021****IN****SECOND APPEAL NO. 153 OF 2019**

Bhajandas Murlidhar Gunge

Since deceased through Lrs.

Smt.Chanda Bhajandas Gunge and Ors.

... Applicants.

V/s.

Subhash Nivrutti Nalawade and Ors.

... Respondents

Mr.Rohan Surve for Applicants.

CORAM : A.S. GADKARI, J.**DATE : 31st August, 2021.****PC. :**

1. This is an Application for bringing legal heirs of the sole Appellant on record. It is stated that, the Appellant, i.e. Shri Bhajandas M. Gunge passed away on 26th June, 2020. There is delay of 177 days in filing the present Application.

2. Mr.Surve, learned counsel for the Applicants submitted that, he has already served copy of present Application upon Advocate Mr. C.D. Mali on 25th August, 2021, who had earlier waived notice on behalf of Respondent Nos.1 to 3. Despite service, none appears for Respondent Nos.1 to 3.

3. Perusal of the Application would indicate that, sufficient cause is

made out for condonation of delay and for allowing the Application.

In view thereof, delay is condoned, abatement, if any, is set aside and the Application is allowed in terms of prayer Clauses (a), (b) and (c).

Necessary amendment be carried out within a period of four weeks from today.

4. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]

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