

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****I.A. NO. 3113 OF 2021****IN****SECOND APPEAL ((STAMP) NO. 3155 OF 2021**

Shriram Revji Fokane

.....Applicant.

Vs.

Sau. Kantabai Ramhari Gulve & Ors.

.....Respondents.

Mr. Gurudas S. Gorwadkar for the Applicant.

Mr. Rohit P. Mahadik, Mr. Shubham Javlekar i/by Khandeparkar & Associates for the Respondent No.1.

Mr. Sanskar Marathe i/by Mr. Sachin Gite for the Respondent Nos. 2 and 4.

CORAM : A. S. GADKARI, J.**DATE : 27th OCTOBER, 2021.****PC.:-**

This is an Application for bringing legal heirs of Respondent No.3 on record.

2 It is stated that, Respondent No.3 passed away on 12th February, 2021. There is a delay of 150 days in filing the present Application.

3 The Applicant has stated that, in the month of February, 2021 he was admitted in hospital for undergoing medical treatment and was advised for complete bed-rest. Subsequently, the Applicant underwent an angiography and Open-Heart Surgery in the month of June 2021. In these circumstances, the said delay of 150 days has caused in filing the present

Application.

4 Mr. Mahadik, learned counsel for the Respondent No.1 and Mr. Marathe, learned counsel for the Respondent Nos. 2 and 4 have no serious objection in condoning the delay and allowing the present Application.

Perusal of Application would indicate that, sufficient cause for condonation of delay is made out.

5 In view of the above and for the reasons stated in the Application, delay is condoned, abatement if any, is set aside. Application is allowed in terms of prayer clauses (1) to (4).

6 Necessary amendment in the record of the Court and simultaneously in the copies served upon the learned counsel for the Respondents be carried out, within a period of four weeks from today.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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SANJIV
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MASHALKAR
Date: 2021.10.28
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