

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 CIVIL APPLICATION NO.3674 OF 2019
IN SA/111/2012
TRIMBAK CHIMAJI SAWANT
VERSUS
SHAKUNTALABAI SHESHERAO GAMBHIRE AND OTHERS

...

Advocate for Applicant : Mr. Irpatgire A.M.
Advocate for Respondent No. 1 : Mr. R. G. Rudrawar.

CORAM : MANGESH S. PATIL, J.
DATE : 10.03.2022.

PER COURT :

Heard both the sides.

2. This is an application for setting aside abatement and to bring on record the legal representatives of respondent No. 2 with a prayer to condone delay of 448 days caused in making the prayer.

3. Considering the fact that the dispute pertains to an immovable property coupled with the fact that this is a second appeal which is pending in this Court since 2012, as has been observed in the matter of **Perumon Bhagvathy Devaswom ..vs.. Bhargavi Amma (Dead) Through L. Rs.; 2008 (8) Supreme Court Cases 321** and for the reasons mentioned in the application, the application is allowed. The delay is condoned. The legal representatives are allowed to be brought on record in the second appeal. Mr. Rudrawar learned advocate waives service on their behalf even in the second appeal.

4. List the second appeal for admission on 01.04.2022.

(MANGESH S. PATIL, J.)

mkd/-