

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12710 OF 2021
IN CA/8584/2019 WITH CA/8585/2019 IN SAST/20727/2019 WITH
CA/8584/2019 IN SAST/20727/2019

JAMRUTBEE MEERSAHEB TAMBOLI DIED LRS. AHMED PASHA
MEERSAHEB TAMBOLI AND OTHERS
VERSUS
MAHIBOOB BASHULAL GHAWATI AND OTHERS

...
Advocate for Applicants : Mr. Deshpande Dhananjay P.
Advocate for Respondent : Mr. S.S. Jangada h/f. Mr. Sachin S. Deshmukh
...

CORAM : MANGESH S. PATIL, J.

DATE : 14.03.2022

PER COURT :

This is an application for setting aside abatement *qua* the respondent No.8 with a prayer to condone the delay in making the prayer. The proposed LR's of the respondent No.8 have been duly served but have not appeared.

2. Since the respondent No.8 has died on 19.05.2002 his legal representatives were not even brought on record before the lower appellate court. For the first time they are now being sought to be added in this Second Appeal. There is no question of abatement of the Second Appeal. The appellants are entitled to array them straight away in the array of the respondents. Consequently the Application is disposed of granting liberty to the appellants to effect necessary amendment in the Appeal Memo

showing the names of the legal heirs of the respondent No.8. Necessary amendment is allowed to be carried out even in the Civil Application for condonation of delay. Issue notice to the respondent Nos.8-1 to 8-3 to be added in the delay condonation application, returnable on 18.04.2022.

(MANGESH S. PATIL, J.)

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