

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 1390 OF 2017

Dharmdas Ramchandra Gatkule,
since deceased through his Heirs &
legal representatives,

1. Smt.Pramila Dharmdas Gatkule & Ors.

...Petitioners

vs.

Sou. Ujwala Sudam Gidde & Anr.

...Respondents

Mr.M.A. Patil for Petitioners.

Mr.Dilip B. Shinde for Respondents.

CORAM : ROHIT B. DEO, J.

DATED : 19 JULY 2022

P.C. :

1. The Petitioner is questioning the order dated 7.7.2014 rendered by the Principal District Judge, Sangli whereby the application preferred by the legal heirs of the sole appellant in Regular Civil Appeal 11/2006 for setting aside the abatement and for being brought on record, is rejected.

2. The application is rejected on the ground that the same is filed beyond the period of limitation.

3. It is common ground that the application was delayed by twenty days.

4. In my considered view, the approach of the learned appellate court is extremely pedantic.

5. Sufficient reasons are spelt out in paragraph 2 of the application.
6. The learned appellate court committed grave error in rejecting the application, Exhibit 24, in RCA 11/2006.
7. Although the learned Counsel for the Respondents is seriously opposing the petition, I am inclined to set aside the order impugned dated 7.7.2014.
8. The order impugned is set aside.
9. The application, Exhibit 24, in RCA 11/2016 is allowed. Abatement is set aside.
10. The legal heirs of the sole appellant may be brought on record.
11. The learned appellate court shall expedite the hearing and conclude the same within the next six months.
12. The petition is disposed of.

(ROHIT B. DEO, J.)