

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1326 OF 2022
IN
APPEAL FROM ORDER NO. 486 OF 2017****KASABAI BAPU SAWANT****(SINCE DECEASED) THROUGH LRS.****AND ORS.****} APPELLANTS/
APPLICANTS****V/S.****SOPAN BABURAO VIDHATE****(SINCE DECEASED) THROUGH****LRS.****} RESPONDENTS***** * * *****Mr. R.V. Bansode, Advocate for the appellants- applicants.****Mr. Kayal P. Shah, Advocate for respondents no.1(A)
and 1(B).****Coram : Sandeep K. Shinde, J.****Wednesday, 9th March, 2022.****P.C. :**

1) Pending Appeal, respondent no.1-Sopan Baburao Vidhate passed away on 21st August, 2020 Appellants are seeking impleadment of legal representatives of deceased, Sopan as respondents no.1(A) and 1(B). The application

makes out sufficient cause for condoning the delay and setting aside the order of abatement passed against Sopan.

2) Application is made absolute in terms of prayer clauses (a) and (b) of the Civil Application, which reads as under :

“a. This Hon’ble High Court may be pleased to condone the 100 days of delay which is occurred for bringing on record the present Respondent No.1(A) to 1(B) as a legal heirs and representatives of the present Respondent No.1 i.e. deceased Sopan Baburao Vidhate.

b. This Hon’ble Court be pleased to, allow the applicants/appellants to bring on record the present Respondent Nos.1(A) & 1(B) as legal heirs and representatives of deceased Respondent No.1 i.e. deceased Sopan Baburao Vidhate, in the cause title of the aforesaid Appeal from Order or names of Legal heirs i.e. Respondent Nos.1(A) and 1(B) may be substituted in place of deceased Respondent no.1 in the interest of justice.”

3) Consequential amendments to be carried out within two weeks from today.

4) Mr. Shah, waives service of notice on behalf of respondents no.1(A) and 1(B).

(Sandeep K. Shinde, J.)

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SOPAN BABURAO VIDHATE

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* * * *

Mr. R.V. Bansode, Advocate for the appellants.

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Coram : Sandeep K. Shinde, J.

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1. Stand over to 6th April, 2022.

(SANDEEP K. SHINDE, J.)