

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

**INTERIM APPLICATION NO.10382 OF 2022
IN
FIRST APPEAL NO.860 OF 2009**

Bhiwa Pandu More (deceased)
through its legal heirs-
a) Sakhubai Pandurang Kale and
Ors.

...Appellants

Versus

Sadhu Pandu More and Ors.

...Respondents

...

Mr. Anand S. Kulkarni for the Appellants.

Mr. Sachin Sonawane i/b. Mr. Sudhir C. Halli for Respondent Nos.1 to 3.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 11th JULY, 2022.

P. C. :-

1. By this application, the Applicants have sought to condone the the delay of 12 years and 2 months in setting aside abatement and for bringing on record the legal representatives of the sole Appellant.

2. It is stated that the sole Appellant had expired on 12/07/2010 and that the legal representatives were not aware about the pendency of the appeal. It is only after they learnt about filing of this appeal, that they filed this application for condonation of delay,

setting aside abatement and for bringing on record the legal representatives of the deceased Appellant. Learned counsel for the Respondent has no objection to condone the delay, set aside abatement and to bring on record the legal representatives of the deceased Appellant.

3. In view of the said statement and in view of the reasons stated in the application, the delay is condoned, the abatement is set aside and the legal representatives of the Appellant are ordered to be brought on record. Cause title be amended forthwith.

4. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)