

K.S. Jadhav

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

**INTERIM APPLICATION NO. 2886 OF 2021
IN
FIRST APPEAL NO. 1081 OF 1996**

**Vijay @ Ambadas Dattatraya Pawar
(deleted since deceased)
Through Kamal Ambadas Pawar & Ors.,**

**...Applicants/
Appellants**

Versus

Ramappa Amanappa Masare & Ors.

**...Proposed
Respondents
(Original
Respondents)**

Mr. Machindra Patil i/b A.R. Rayani, Advocate for Applicants.

Mr. A.S. Alange, Advocate for legal heirs of Respondent No.1
i.e. for Respondent Nos. 1A to 1C and 1E to 1F

Mr. Abhinav A. Bhatkar i/b Vijay Killedar, Advocate for
Respondent Nos.6A to 6F in IA 2885/2021 and for Respondent
Nos. 7A to 7C in IA 2887/2021 and for Respondent Nos. 3A/3B1,
3B2, 3B3, 3C, 3D & Respondent No.5 in IA 2884/2021.

CORAM : R.I. CHAGLA, J.

DATE : 21st November, 2022.

ORDER :

1. Heard the learned Advocate appearing for

Applicant/Appellant. Considering that there is mere 3 days delay in preferring the Interim Application for bringing legal heirs of the original Respondent No.2 who had expired on 15th October, 2020 on record, the relief sought for in the application requires to be granted. Further, the Interim Application has been served on the Respondents and inspite of service the legal heirs of original Respondent No.2 has not made an appearance. Hence, following order is passed :

- i) The delay in filing the Interim Application No.2886 of 2021, is condoned.
- ii) The abatement of First Appeal No.1081 of 1996 is set aside.
- iii) The Applicants are permitted to amend the Appeal Memo in First Appeal No.1081 of 1996 by joining the proposed Respondents in place of original Respondent No.2.
- iv) The amendment shall be carried out within a period

of two weeks from the date of this order.

v) The Interim Application No. 2886 of 2021 is accordingly disposed of.

[R.I. CHAGLA, J.]