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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1652 OF 2018
IN
SECOND APPEAL NO.432 OF 2018**

Bhaskar Shankar Sangam & Ors. ... Applicants
V/s.
Keshav Rajaram Sangammere & Ors. ... Respondents

Mr. Pratik B. Rahade for the Applicants.
None for the Respondent.

**CORAM : S. M. MODAK, J.
DATED : 1ST AUGUST 2022.**

PC:-

1. Heard learned Advocate for the Applicants.
2. There is prayer for condoning delay of 358 days in filing necessary application to set aside the order passed by the learned Registrar Judicial-II on 11th December 2018. Copy of the order dated 11th December 2018 is annexed.
3. Proposed Respondent Nos.5a to 5c are served. There is no appearance filed. Notice of this Application on proposed Respondent Nos.5d is not served in view of incomplete address. Private service was allowed and affidavit of service is filed on record. The affidavit says that Respondent No.5d has not claimed RPAD envelope. In view of that there is deemed service.
4. It is submitted that when the notice was offered to Respondent No.5 by this Court, there was a remark that he expired on 27th December 2017. It is submitted that at that time the First Appeal was pending and it was not informed to the First Appellate Court about

death of Respondent No.5.

5. In view of above circumstances, the delay is condoned. The order passed by the learned Registrar Judicial-II dated 11th December 2018 is set aside. Necessary amendment be carried out in the Second Appeal and Respondent Nos.5a to 5d be added.

6. Civil Application is disposed of.

(S. M. MODAK, J.)