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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.16560 OF 2022
IN
SECOND APPEAL NO.313 OF 2005

Kesharbai Sukhadeo Goghare (since deceased)
through legal heirs & legal representatives

1A. Sukhadeo Dagadu Goghare & Ors.

...Applicants

Versus

Dattu Namdeo Maske & Ors.

...Respondents

Mr. S. T. Bhosale, for the Applicants.

Mr. Swaroop Karade, i/b. Mr. S. S. Shah, for Respondent Nos. 1 to 3.

CORAM : MADHAV J. JAMDAR, J.

DATED : 9th DECEMBER 2022

P.C. :

1. In the Interim Application No. 16560 of 2022, the prayer is sought to condone the delay of about 12 years and 42 days in bringing on record the heirs of sole **Appellant** and for setting aside abatement.

2. The Respondent Nos.1 to 3 appeared through their Advocate and opposed the application.

3. Although Respondent Nos.1 to 3 served and appeared

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through Advocate, no reply has been filed to the Interim Application. Therefore, the contentions raised in the Interim Application remained uncontroverted.

4. Reasons for delay are mentioned in paragraphs 7 and 8. For the reasons stated in the above paragraphs, the Interim Application is allowed in terms of prayer clauses (a), (b) and (c) on the condition that the Applicants shall pay cost of Rs.5,000/- to Respondent Nos. 1 to 3.

5. Amendment to be carried out within a period of two weeks from today. Copy of amended Second Appeal be served on learned counsel appearing for Respondent Nos. 1 to 3.

[MADHAV J. JAMDAR, J.]

Note: This order is modified as per Speaking to the Minutes order dated 23rd February 2023.
The correction is shown in bold in paragraph No.1.