

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3017 OF 2008
IN
FIRST APPEAL NO. 2007 OF 2006

Shakuntala Tripathi and Ors. ...Applicants

In the matter between:

Satyadeo Ramratan Tripathi ...Appellant

Versus

Mr. Jaydeo Ramratan Tripathi and Anr. ...Respondents

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Date:
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Mr. Anil Mishra for the Applicant.

Mr. Y.K. Tiwari with Manu Vishwakarma for the Respondent.

Mr. Santosh Parad, for Respondent/MCGM.

CORAM : M.M.SATHAYE J.
DATE : 13th DECEMBER 2023

PC. :

1. Not on Board. Taken on Board. This is an application for bringing legal heirs of original sole Appellant Satyadev R. Tripathi on record. There is stated delay of 10 months and 7 days in filing the present application.

2. Heard learned counsel for the Applicants and learned counsel for the Respondent/Municipal Corporation. Learned counsel Mr. Tiwari submits that his present clients (legal heirs of original Plaintiff/Respondent No. 1 Mr. Jaydeo R. Tripathi) are not party in this application because the Plaintiff was alive when this application

was filed. He, however, fairly submits to the order of the Court. Record shows that no reply is filed till date.

3. In that view of the matter, considering the extent of delay and averments made in application, sufficient cause is made out. The application is allowed in terms of payer clauses (a), (b) and (c). Delay is condoned. The abatement of the first appeal vis-a-vis sole Appellant only, is set aside. Necessary amendment to be carried out within a period of one week from today.

4. Application is disposed of accordingly. No order as to costs.

5. All the parties to act on duly authenticated/digitally signed copy of this order.

[M.M.SATHAYE,J.]