

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

**INTERIM APPLICATION NO.12710 OF 2023
IN
SECOND APPEAL NO.448 OF 2005**

Bharat Shankar Hange	...Applicant
In the matter between	
Bharat Shankar Hange	..Appellant
Versus	
Gangubai Vasudeo Deshpande	...Respondent
....	
Mr. Avinash Avhad for the Applicant.	
Mr. Pankaj Das for the Respondent.	

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 13th OCTOBER, 2023.

P. C. :-

INTERIM APPLICATION NO.12710 OF 2023:-

1. By this application, the Applicant seeks to condone the delay, set aside abatement and to bring on record the legal representatives of the sole Respondent.
2. Mr. Pankaj Das, learned counsel waives service on behalf of the proposed legal representatives of the Respondent.
3. The records reveal that the Second Appeal, which is of the year 2005 was admitted on 21/06/2005. It has not come on board since then. The Applicant has stated that the suit property is at a

distance of about 80 kms from his residence and that he was suffering from several ailments. It is stated that he was not aware of the death of the Respondent, hence the delay.

4. The explanation given by the Applicant, in my considered view constitutes sufficient cause. Hence, the delay is condoned. Abatement is set aside. The legal representatives of the Respondent are ordered to be brought on record.

5. The application stands disposed of.

SECOND APPEAL NO.448 OF 2005:-

6. In view of the order passed in Interim Application No.12710 of 2023, abatement is set aside. Cause title be amended within two weeks.

7. Mr. Pankaj Das, learned counsel waives service on behalf of the proposed legal representatives of the Respondent. Vakalatnama to be filed in the registry within two weeks.

8. Since the appeal is of the year 2005, place the matter on final hearing board in the week commencing from **06/11/2023**.

(SMT. ANUJA PRABHUDESSAI, J.)