

Sonali

SONALI
MILIND
PATIL

Digitally
signed by
SONALI
MILIND
PATIL
Date:
2023.07.24
10:04:28
+0530

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

**INTERIM APPLICATION NO. 442 OF 2022
IN
SECOND APPEAL NO. 70 OF 2022**

Smt. Indubai Bhagwan Khunte & Ors. ...Applicants
Versus
Baban Savla Gaikwad & Ors. ...Respondents

Mr. Arjun S. Pawar, for the Applicants.

Ms. Shraddha Pawar, i/b. Mr. S. A. Chavan, for the Respondent No.1.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 19th JULY 2023**

P.C. :

1. Mr. Arjun Pawar, learned counsel appearing for the Applicants seeks leave to amend the prayer clause by adding the prayer of setting aside abatement and condonation of delay in filing the Second Appeal.
2. Leave as prayed is granted. Amendment be carried out forthwith.
3. This application is taken out to bring on record heirs of deceased Respondent No.1. There is delay in filing the application.
4. Learned counsel appearing for the Respondent No.1 strongly opposes the application.

Sonali

5. However, for the reasons set out in the application, the same is allowed in terms of prayer clauses (a) and (a.1).
6. Amendment be carried out within a period of 14 days from today.
7. The application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]