



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

**INTERIM APPLICATION NO. 3321 OF 2021
IN
FIRST APPEAL NO. 1893 OF 2008**

Deepak Tanu Chavan ... Applicant

IN THE MATTER BETWEEN

Sundrabai Tanu Chavan (deceased) ... Appellant

Versus

M/s. Nirmat Developers And Ors. ... Respondents

.....

Mr. V. Y. Sanglikar, for the Applicant.

Mr. A. H. Khatri a/w Sujay S. Prabhu i/b Khatri Legal Venture, for
the Respondent No.1.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 6th SEPTEMBER, 2023.

P.C.

This is an application for bringing the Legal Representatives of the deceased-appellant on record, who is said to have died on 25th August, 2015. True copy of the death certificate is annexed with the application.

2 Learned Counsel for the appellant submits that there is delay of 4 years 146 days and, therefore, he prays for setting aside the abatement and condonation of delay.

3 The reasons are assigned in para 5 and 6 of the application in order to show sufficient cause.

4 This Court by an order dated 17th October, 2022, due to the objection raised by Mr. Khatri, learned Counsel for respondent No.1 that there was no material produced on record to show that the applicant is a validly adopted son of appellant and, therefore, cannot be a legal representative of the appellant.

5 The additional affidavit of the applicant along with copy of the registered Deed of Adoption is tendered today across the bar indicating that the applicant viz. Deepak Tanu Chavan is the adopted son of the deceased. Be that as it may.

6 Application is allowed.

7 Necessary amendment shall be carried out within two weeks from today to bring the proposed legal representative of the deceased on record.

8 After making necessary amendment, a copy of amended memo of appeal be served on the respondents.

9 Application is disposed of.

10 No order as to costs.

[PRITHVIRAJ K. CHAVAN, J.]