

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

**INTERIM APPLICATION NO.14542 OF 2023
IN
SECOND APPEAL NO.560 OF 2006**

Dr. Shrinivasrao Anantham ...Applicant
Pinnamshetty

In the matter between
Mrs. Radhabai Vishnu Gurram

Versus

Dr. Pinnashetty Anantam
Venkaiyya (since deceased through
legal heirs)

1a) Smt. Uma Sadashiv Basa and
Ors.

...Respondents

**WITH
INTERIM APPLICATION NO.589 OF 2020
IN
SECOND APPEAL NO.560 OF 2006**

Mrs. Radhabai Vishnu Gurram ...Applicant/Appellant

Versus

Dr. Pinnashetty Anantam
Venkaiyya (since deceased through
legal heirs)

1a) Smt. Uma Sadashiv Basa and
Ors.

...Respondents

....

Mr. Rohit Joshi h/f Mr. Jayesh Joshi for the Appellant.

Mr. Hitanshu Jain i/b. Mr. Chaitanya Nikte for the Respondents.

Mrs. Anjali Shinde i/b. Mr. Nitin Deshpande for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 4th NOVEMBER, 2023.

P.C.:-

INTERIM APPLICATION NO.14542 OF 2023:-

1. The sole Respondent has expired. The Interim Application No.589 of 2020 for bringing on record the legal representatives of the deceased Respondent is pending. During the pendency of the said application, proposed legal representative of the Respondent filed this application to dismiss the Interim Application No.589 of 2020 and to dispose of the appeal as abated.

2. As noted above, the interim application for condoning the delay, set aside abatement and to bring on record the legal representatives of the deceased Respondent was filed in the year 2020. It appears that no notice was issued to proposed legal representaives. Without filing any reply to the said application separate application is filed to dispose of the apeal as abated. The objections, if any, for condoning the delay and set aside abatement have to be raised in Interim Application No.589 of 2020 and not by filing a separate application.

3. Hence, the application is dismissed.

INTERIM APPLICATION NO.589 OF 2020:-

4. Mr. Hitanshu Jain, learned counsel waives service on behalf of the proposed legal representatives of the Respondent. Reply, if any, to be filed on or before the next date of hearing with copy to the other side.

5. Stand over to **04/12/2023**.

(SMT. ANUJA PRABHUDESSAI, J.)