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

**INTERIM APPLICATION NO.91 OF 2023
IN
WRIT PETITION NO. 10105 OF 2010**

Vikas L. Sangwai
(Deceased) Through Legal Heirs

..... Applicants /
Petitioners

Vs.

Union of India & Anr.

..... Respondents

Mr. Mihir Desai, Senior Advocate I/b. Mr. Sandeep R. Karnik for the
Applicants
Mr. V. M. Parmar for the Respondents

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : JANUARY 13, 2023

P.C.

1 Present Application is filed for bringing on record the legal
heirs of the deceased Petitioner. The learned Senior Counsel submits
that the right to sue survives. Monetary claim is involved.

2 It is trite that the Application for setting aside the abatement
has to be liberally construed.

3 We have also heard the learned Advocate for the non
Applicants.

4 For the reasons stated in the Application, the Application is allowed in terms of prayer clauses (a) and (c). The Interim Application is disposed of.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)