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Uday S. Jagtap

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

**INTERIM APPLICATION NO. 2679 OF 2023
IN
FIRST APPEAL NO. 1293 OF 2018**

Shri Amarnath J. Yadav (Deceased)
Through LRs. Ramrajidevi Amarnath
Yadav & Ors. .. Applicants
Vs.
A.Y. Savi & Ors. .. Respondents

.....
Mr. Abhay Parab for the applicants
None for the respondents
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 5th JULY, 2023

P.C.

1. The sole appellant has died on 31st December 2021, during the pendency of the appeal. Photostat copy of the death certificate is annexed to the application at Exh.A.

2. It is submitted by learned Counsel for the applicants that though right to sue survives to the legal representatives of the deceased comprising his wife, son and daughter, they could not approach the advocate as they were unaware of the legal provisions.

The delay occurred in bringing the legal representatives of the deceased on record is not intentional but due to *bona fide* reasons and also because of the Covid-19 pandemic.

3. The reasons assigned for the delay are genuine and satisfactory and, therefore, the abatement is set aside. The application is allowed in terms of prayer clause (a).

4. Necessary amendment shall be carried out within two weeks.

5. The application is disposed of.

(PRITHVIRAJ K. CHAVAN, J.)