

**Nikita**

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

**WRIT PETITION NO.14012 OF 2023**

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Nilesh Ashok Gurjar and Ors.

... Petitioners

**V/s.**

Prithviraj Babhutmal Purohit

... Respondent

Mr. Kunal Rane, for the Petitioners.

Mr. Ankit Rajput i/b Mr. Rutvij Bhatt for the  
Respondent.

**CORAM : AMIT BORKAR, J.**

**DATED : NOVEMBER 7, 2023**

**P.C.:**

**1.** The Trial Court by the impugned order rejected the application of legal representatives of original plaintiff to bring themselves on record on the ground that there is four days unexplained delay and no prayer for setting aside abatement and condonation of delay was made. Considering the reason mentioned in the affidavit-in-support of chamber summons, in my opinion, the petitioner has furnished sufficient cause for explanation of delay of four days in filing chamber summons. The prayer for setting aside abatement implies prayer for bringing legal representatives on record implies prayer for setting aside abatement and condonation of delay. Hence, for delay of four days the Trial Court ought not to have rejected such application.

2. Hence, impugned order passed by the Trial Court is set aside.
3. Chamber Summons No.1121 of 2023 is allowed.
4. The writ petition stands disposed of in above terms. No costs.

**(AMIT BORKAR, J.)**