

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

**INTERIM APPLICATION NO.19886 OF 2022
IN
FIRST APPEAL NO.835 OF 2018**

Mr.Tushar Manikrao Deshmukh

(Since Deceased Legal Heirs)

1.1 Sunita Tushar Deshmukh & Anr.

...Applicants

Versus

Mr.Sanjay Kondaji Avad & Anr.

...Respondents

Mr. Rahul D. Motkar for the Applicants.

CORAM : S.G. DIGE, J.

DATE : 25th JANUARY, 2023

P.C:-

1. Heard learned counsel for the applicants.

2. Learned counsel for the applicants submits that during the pendency of the appeal, the appellant died on 1st March, 2021. The legal heirs of appellant did not inform him about the death of appellant as there was Corona period. Thereafter, applicants have preferred this application for setting aside the abatement. There is 77 days delay for bringing legal heirs of deceased appellant on record, it be condoned and requested to allow the application.

3. Considering the submissions of learned counsel for the applicants and reasons mentioned in the application, the application

is allowed in terms of prayer clauses (a) & (b) and is disposed of as such.

4. Necessary amendment be carried out within a period of two weeks from today.

(S.G. DIGE, J.)