



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

**INTERIM APPLICATION NO. 15206 OF 2023
IN
SECOND APPEAL NO. 330 OF 1998**

Murlidhar Shankar Dhabale (deceased
thr. LRs) Smt. Mandabai Sampat Dhabale ..Applicant.

v/s.

Keru Valu Dhabale (Decd. Thr LRs)
Smt. Manjulabai Keru Dhabale & Ors. ..Respondents

Mr. Vinayak Kumbhar i/b. Narendra Bandivdekar for the Applicant.
Mr. Rohit D. Gorade h/f. R.N. Gite for the Respondent Nos.1 to 3 in
second appeal.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 11th OCTOBER, 2023 .**

P.C.

1. By this application, the applicant has sought to condone the delay of 1 year and 110 days, set aside the abatement qua the appellant no.1 and to bring on record legal representatives of appellant no.1.
2. The second appeal is of the year 1998. The appeal was admitted in the year 1998 and has not come up on board till 1.4.2022. The applicant no.1 expired on 15.5.2021. The applicants have stated that they were under the impression that the other appellants are pursuing the matter and that it is not necessary for them to file any formal application. It was only after they received a letter from their lawyer , they realized that the application was required to be filed. Considering

the fact that the appeal was admitted in the year 1998 and was not taken on board for considerable time, and particularly the reason stated in para 3 of the application, which in my considered view, constitutes sufficient cause, the delay is condoned. Abatement of the appeal qua appellant no.1 is set aside. Legal representatives be brought on record. Cause title be amended within two weeks.

3. Application stands disposed.

(ANUJA PRABHUDESSAI, J.)