

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.994 OF 2023
IN
SUIT NO.415 OF 2018

Veena Pujari and others	...	Applicants / Plaintiffs
Vs.		
Nagesh Ramkrishna Sandu and others	...	Defendants
and		
Preeti Parimi and another	...	Proposed Respondents

Ms. M. S. Nalawade for Applicants / Plaintiffs.

Mr. Jayesh Gawde for Defendant No.2.

Ms. Tejas S. Bhide for Proposed Respondents.

CORAM : MANISH PITALE, J.

DATE : JULY 07, 2023

P.C. :

By this application, the applicant / plaintiff is seeking permission to bring on record legal representatives of defendant No.6, who expired on 30.07.2022. Since there is delay of 41 days in moving the application, condonation of delay is sought along with the prayer for setting aside abatement *qua* defendant No.6.

2. Although the prayers made in the present application are opposed on behalf of defendant No.2, it is stated in the application that the applicants / plaintiffs were in a state of shock and grief due to the death of defendant No.6 and therefore, it took them some time to recover and take appropriate steps to file the present application. A copy of the death certificate is on record and the proposed legal representatives are also represented by a counsel.

3. This Court is convinced that the present application deserves to be allowed in the interest of justice.

4. Accordingly, the application is allowed. Delay is condoned. Abatement is set aside and the applicants / plaintiffs are permitted to substitute deceased defendant No.6 with the proposed legal heirs, to be shown as defendant Nos.6(a) and 6(b). The consequential amendment be carried out within two weeks from today. Re-verification is dispensed with.

5. Ms. Bhide, learned counsel waives notice on behalf of defendant Nos.6(a) and 6(b).

6. Interim application stands disposed of.

(MANISH PITALE, J.)

Minal Parab