

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

**CIVIL APPLICATION NO.1850 OF 2016
IN
SECOND APPEAL NO. 133 OF 2003**

Marutirao Bayaji Indalkar (since deceased)
through legal heirs and Ors. ... Applicants

IN THE MATTER BETWEEN

Marutirao Bayaji Indalkar (since deceased)
through legal heirs and Ors. ... Appellants

Versus

Shirpatrao Marutirao Indalkar And Anr. ... Respondents

.....

Mr. Ramanik Pawar a/w Samiksha Pawar, for the Applicants/
Appellants.

Mr. K. P. Shah i/b P. B. Shah, for Respondent No.1.

Mr. Pradeep Gole, for Respondent No. 2.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 5th JULY, 2024.

P.C.

This is an application by applicant/appellant No.4 Madhukar Baburao Indalkar for bringing the legal representatives of the deceased appellant No.8-Dattatraya Tukaram Kirdat on record since he died on 14th January, 2007, which is supported by a photostat copy of the death certificate issued by Satara Municipal Council.

2 Heard learned Counsel for the applicants.

3 The application is filed after a delay of nine years. The reason for the delay appears to be unawareness of the applicant about the death of the deceased-appellant No.8

4 Learned Counsel for the respondent has no objection since dispute is in relation of partition of the properties.

5 As such, the delay is condoned. Abatement is set aside. The application is allowed in terms of prayer clause (b).

6 Necessary amendment shall be carried out within two weeks.

7 After carrying out amendment, amended copy of the Second Appeal be furnished to the learned Counsel for the respondents.

8 Application stands disposed of with no order as to costs.

[PRITHVIRAJ K. CHAVAN, J.]