

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

**CIVIL APPLICATION NO.301 OF 2019
IN
SECOND APPEAL NO.109 OF 2007**

Bhikabai Namdeo Shivthare & Anr. ...Applicants
vs.
Sagunabai T. Shivthare (Decd)
Through LR Parubai B. Mohite & Anr. ...Respondents

Mr. Sharad Bhosale i/b Mr. Dilip Bodake for the Appellants.

CORAM : SHYAM C. CHANDAK, J.

DATED : 30th AUGUST, 2024

P. C. :

. Present Application seeks condonation of 51 days delay in filing this Application, seeking setting aside abatement of Appeal qua Respondent No.2, now deceased, and to bring on record Respondent Nos.2A and 2B as the legal heirs of Respondent No.2.

- 2) Heard learned Advocate for the Appellants.
- 3) Despite notice, none appears for the legal representatives of deceased-Respondent No.2. Learned Advocate for the Appellants submitted that, Respondent No.2-Pandurang Tukaram Shivthare expired on 31/07/2017. However, due to compelling reasons, the Applicants/Appellants could not file this Application in time. On

perusal of the Application, case is made out for condonation of the delay.

4) In view thereof and considering that the legal representatives i.e. the Respondent Nos 2A and 2B are required to be brought on record, the Application deserves to be allowed. Hence, the following Order :-

- (a) Civil Application No.301 of 2019 is allowed.
- (b) Delay of 51 days in filing this Application is condoned. Abatement of the Appeal against Respondent No.2, is set aside.
- (c) Appellants are permitted to carry out the necessary amendment in the cause title of the appeal, to bring the legal representatives of deceased-Respondent No.2, on record.
- (d) Amendment be carried out within a period of two weeks from date of uploading of this Order on the official website of this Court.

5. Civil Application stands disposed of.

[SWHYAM C. CHANDAK, J.]