

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

**INTERIM APPLICATION NO. 40 OF 2024
IN
SECOND APPEAL NO. 611 OF 2006**

Shri. Mahadev Bhikaji Parab (since
deceased through legal heirs) :

Smt. Parvati Mahadev Parab and ors.

.... Applicants

V/s.

Smt. Sita Rama Rane and ors.

.... Respondents

Mr. Sudhir Prabhu for the Applicants/Appellants.

CORAM : SHYAM C. CHANDAK, J.

DATED : 02nd AUGUST, 2024

P.C. :-

1) Present Application is seeking for condonation of delay of 926 days in filing this Application for setting aside the abatement of the Appeal, in respect of deceased Appellant No.3 and to bring his legal representatives on record. Despite notice of the Application, none appeared for the Respondents.

2) Heard learned Advocate for the Applicants. Perused the Application.

3) Considering the grounds stated in the Application, a case is made out for condonation of 926 days delay in filing this Application. In view thereof, the Application deserves to be allowed, accordingly. Hence, the following order :-

- (a) Interim Application No.40/2024 is allowed.
 - (b) Delay of 926 days in filing the present Application is condoned.
 - (c) Abatement of Appeal in respect of deceased Appellant No.3 is set-aside.
 - (d) Appellants are permitted to bring on record the legal representatives of deceased Appellant No.3.
 - (e) Amendment be carried out within a period of two weeks from the date of uploading of this Order.
- 4) Interim Application stands disposed of in above terms.

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(SHYAM C. CHANDAK, J.)