



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.330 OF 2024
IN
FIRST APPEAL NO.1259 OF 2014

Mrs.Sumati Parshuram Tawde (Deceased) and Ors. ... Applicants.

In the matter between:

Mrs. Purnima Vilas Tawade and Ors. ... Appellants.

Versus

Mrs. Sumati Parshuram Tawde and Ors. ... Respondents.

Ms. A.R.S. Baxi, for the Applicants.

Mr. Hemant Ghadigaonkar, for the Respondent No.9.

Coram : Sharmila U. Deshmukh, J.

Date : July 15, 2024

P. C. :

1. Interim Application has been preferred seeking to bring on record the Applicant Nos.3(1) to 3(3) as the heirs of the Applicant No.3 and for condonation of delay and setting aside abatement.
2. Learned counsel for the Respondent No.9 submits that there is delay as the Applicant No.3 had expired in the year 2018 and no sufficient explanation has been given in the Application.
3. The Appeal is of the year 2014 and during the pendency of the proceedings, the Applicant No.3 has expired. The Appeal is already admitted and the possibility of death of the Applicant No.3 not being communicated to the Advocate for the Applicant cannot be ruled out.

4. For the reasons stated in the Application, the delay is condoned and the abatement is set aside. The Application is allowed. Amendment to be carried out within period of two weeks from today.

[Sharmila U. Deshmukh, J.]