

Shailaja

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

**INTERIM APPLICATION NO.1928 OF 2024
IN
APPEAL FROM ORDER NO.848 OF 2019**

**Pravin Jayantilal Chauhan and others] Applicants/
Appellants/Original Plaintiffs**

IN THE MATTER BETWEEN:

**Pravin Jayantilal Chauhan and others] Plaintiffs
Vs.
Humera Attaulla Khan and others] Respondents**

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Ms. Harsha Shah a/w Mr. Vipul Makhwana i/b Mr. Yatin R. Shah,
for Applicants.

Ms. Duraiya S. Retiwala a/w Ms. Tasneem S. Vohra a/w Ms. Arwa
A. Lokat, for Respondents in Appeal from Order and for proposed
Respondents No.3 (a) and 3(b) in I.A. No.1926 of 2024.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 20th June, 2024.

P.C.

1. This is an application for bringing the legal representatives of deceased respondent No.3 – Noor Attaulla Khan on record who is stated to have expired on 17th October, 2021 leaving behind his wife - Kainath Noor Khan and son – Bakhtawar Noor Khan.

2. Heard learned Counsel for the applicants.
3. It is submitted that there is a delay of 483 days. Reason for the delay as per the applicants is that applicant No.1 himself is seventy years old who is looking after the matters in the Court and at the relevant time had undergone operation of Hernia.
4. While opposing the application, learned Counsel appearing for respondents No.3 (a) and 3(b) submitted that the delay is more than five hundred days and reasons for delay are not sufficient.
5. Having considered the reasons for delay, I am inclined to condone it by setting aside the abatement. Hence, the following order.

: ORDER :

- (a) Application is allowed in terms of prayer clause (a).
- (b) Memo of appeal be amended as per the schedule annexed to the application within two weeks from today.

6. The application is disposed of with no order as to costs.
7. List the Appeal from Order on **19th August, 2024.**

[PRITHVIRAJ K. CHAVAN, J.]