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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13847 OF 2024.

IN

FIRST APPEAL ST.NO. 7478 OF 2018.

Irfan Faquih

...Applicant.

Versus

P.J. Changani And Ors.

...Respondents.

Ms. Sayali Apte i/b. Ms. Aparna Kalathil, for the Applicant.
Ms. Nutan Moily, for Respondent No.2.

Coram : Sharmila U. Deshmukh, J.

Date : April 9, 2025.

P. C. :

1. This application has been preferred for bringing on record the legal heirs of the deceased sole Appellant, for setting aside the abatement and for condonation of delay of 989 days caused in preferring the Appeal.
2. Learned counsel for the Applicant submits that during the pendency of the Appeal, the sole Appellant expired on 11th September 2021 and his wife had pre-deceased him. She submits that the proposed Applicants are children of the deceased Appellant and they were not aware that an application had to be moved for bringing themselves on record and it is only when the matter listed in August 2024, that the proposed Applicants approached their Advocate and the

present application has been taken out.

3. Though, an affidavit-in-reply have been filed by the Respondent No.2 opposing the said application, learned counsel for the Respondent No.2 submits that she has no objection for setting aside abatement by condoning the delay of 989 days, as talks of settlement are going on between the parties.

4. In view of concession given by the learned counsel appearing for Respondent No.2 and considering that the sole Appellant expired on 11th September 2021, when the Courts were partially functioning due to Covid-19 Pandemic, the explanation is accepted.

5. Abatement is set aside by condoning delay of 989 days.

6. Interim Application is allowed.

7. Amendment to be carried out within a period of 3 weeks from today.

8. Stand over to **30th April 2025**.

[Sharmila U. Deshmukh, J.]