

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12444 OF 2025
IN
FIRST APPEAL NO.703 OF 1996

Savitri S. Maurya & Others .. Applicants.
v/s.

Smt. Isaraji w/o. Ishwardin Maurya
(since deceased) through her LR
Vimalchandra Maurya & Others .. Respondents.

WITH
FIRST APPEAL NO.703 OF 1996

Prabhavati w/o. Lalji alias
Ramshiroman Maurya
(since deceased) through LR
1 (a) Savitri S. maurya
& Others .. Appellants.
v/s.

Smt. Isaraji w/o. Ishwardin Maurya
& Others .. Respondents.

Adv. Swati Gautam, for the Applicants in IA No. 12444 of 2025.
Adv. Ramprakash Pandey, for Respondent legal heirs.

CORAM: FIRDOSH P POONIWALLA,J.
DATE : 15th OCTOBER, 2025.

P C:-

1 By this Interim Application, the Applicant seeks (i) condonation of delay in filing the Interim Application (ii) allowing the Applicants to delete the name of Appellant No.2 who has passed away on 7th January, 2008 and (iii) for setting aside the abatement of the Appeal.

2 Appellant No.1 had passed away on 17th April, 2022 and by way of an amendment to the First Appeal, her heirs have already been brought on record. These heirs are also legal heirs and representatives of Appellant No.2 and, hence, the relief sought is only for deletion of the name of Appellant No.2.

3 In my view, sufficient cause has been shown in the Interim Application for condoning the delay, allowing the amendment and setting aside the abatement.

4 In these circumstances, the Interim Application is allowed in terms of prayer clauses (a) and (b) which read as under:-

“(a):- The Hon’ble Court to be pleased to set aside the abatement, if any, and further condone the delay, if any, in filing the present application;

(b) The Hon’ble Court be pleased to allow the applicants to delete the name of Appellant No.2 and amend the title accordingly as per schedule mentioned herein below.”

5 Amendment to be carried out on or before 4th November, 2025.

6 There will be no order as to costs.

7 Place the First Appeal on board on 7th November, 2025 under the caption “for final hearing”.

(FIRDOSH P. POONIWALLA,J.)