IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 APPEAL FROM ORDER NO. 64 OF 2025

Judith Ann Baretto/desouza Alias Judith Edwin Baretto And Another
VERSUS
Angustus Albert Dsouza(dead) Through Lrs Janette Augustus Dsouza And Others
...
WITH
CIVIL APPLICATION NO. 12719 OF 2026 IN AO/64/2025WITH
CIVIL APPLICATION NO. 12720 OF 2026 IN AO/64/2025WITH
CIVIL APPLICATION NO. 11612 OF 2026 IN AO/64/2025
...
Mr. Shaikh Shadab Faheem, Advocate for Applicants
Mr. R. L. Kute, Advocate for Respondent Nos.4 and 61
....

CORAM : SANJAY A. DESHMUKH, J.
DATE : 27.10.2026

P.C. :-

CIVIL APPLICATION NO. 12719 OF 2026

1. Heard learned Advocates for both sides.

2. This is an application seeking condonation of delays of 572 days and 404 days in filing the Civil Applications for bringing the legal representatives of deceased Respondent Nos. 8 and 48-A, respectively, on record, setting aside the abatement and bringing their legal representatives on record.

3. Learned Advocates for the respondents strongly opposed the application.

4. Perused the application. Considering the reasons stated therein and the fact that the Applicants seek to bring the legal representatives of the deceased Respondents on record so as to enable this Court to decide the lis finally on merits, the delay deserves to be condoned as it is not deliberately caused. It is well settled that, while considering an application for setting aside abatement, the Courts are required to adopt a liberal approach, as laid down by the Hon'ble Supreme Court in the case of ***Perumon Bhagvathy Devaswom v. Bhargavi Amma (Dead) by LRs., (2008) 8 SCC 321***. In view of the facts and circumstances of the present case, the application deserves to be allowed in the interest of justice. Hence, the following order:

::ORDER::

a. The application is allowed.

b. The delays of 572 days and 404 days in filing the Civil Applications for bringing the legal representatives of deceased Respondent Nos. 8 and 48-A, respectively, on record are condoned.

c. The abatement is set aside.

d. Permission to bring the legal representatives of of deceased Respondents on record is granted. The amendment shall be carried out on or before 25.11.2026. If the amendment is not carried out within the stipulated period, the applicants shall be

liable to pay costs of Rs.2,000/- to the High Court Legal Services Sub-Committee, Aurangabad.

CIVIL APPLICATION NO. 12720 OF 2026

1. This is an application seeking permission to serve the unserved Respondents by way of paper publication.

2. Heard.

3. Perused the application. For the reasons stated therein, the application is allowed in terms of prayer clause 'A'.

. Stand over to 26.11.2026.

[SANJAY A. DESHMUKH, J.]

HRJadhav