



Swapnil

16-IA(ST)-8008-2025.docx

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION (STAMP) NO. 8008 OF 2025
IN
SECOND APPEAL NO. 770 OF 2016
WITH
INTERIM APPLICATION (STAMP) NO. 7999 OF 2025
IN
SECOND APPEAL NO. 765 OF 2016

Dattu Bhau Shinde

(Decd. Thr.Lrs.)

... Applicants

Vs.

Sachin Ramchandra Taware

(Decd. Thr. Lrs.)

... Respondents

Mr. Rahul Kate a/w. Ms. Neha Parte, Ms. Eshwaree Kudalkar
i/b. Mr. Suresh Sabrad for the applicants.

Mr. S. C. Wakankar for the responents.

CORAM : GAURI GODSE, J.

DATE : 24th APRIL 2026

ORDER :

1. This application is for condonation of delay in filing the application for bringing on record the names of the heirs and legal representatives of deceased sole appellant.

2. Learned counsel for the applicants submits that the

reasons for delay are mentioned in paragraph 5 of the application. Learned counsel for the applicant submits that on 6th January 2025, the application was adjourned to enable the learned counsel for the appellant to take instructions whether the parties have amicably settled the dispute. This order was passed based on a statement made by learned counsel for the respondents that the parties have amicably settled the dispute. Learned counsel for the applicants submits that after this was communicated, the legal heirs informed the advocate that the appellant had expired. Thereafter, immediate steps are taken to file this application.

3. Learned counsel for the respondents opposed this application on the ground that there is no prayer for setting aside the abatement made in the application. Learned counsel for the applicants submits that the reasons are stated for condonation of delay and inadvertently the prayer for setting aside abatement is not made. He, therefore, seeks leave amend to add the prayer for setting aside the abatement.

4. Leave granted. Amendment to be carried out forthwith in the court.

5. I have perused the application. I see no reason to disbelieve the grounds raised in the application. The order dated 6th January 2025 is part of the record. The reasons are not disputed by the respondent by filing affidavit. The reasons stated in the application are justifiable and condonable.

6. Hence, for the reasons stated in the application delay is condoned and the abatement is set aside.

7. The application is allowed in terms of prayer clause 'a', 'b' and 'd'. Amendment to be carried out within two weeks.

8. Learned counsel for the appellant seeks time to file compilation of the pleadings and notes of evidence to support his grounds in the second appeal. The compilation be tendered on the next date with an advance copy to the learned advocate for the respondent.

9. List the second appeal for admission on 8th June 2026.

[GAURI GODSE, J.]