

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

**SECOND APPEAL (ST) NO.11760 OF 2018
WITH
CIVIL APPLICATION NO.1241 OF 2018
WITH
CIVIL APPLICATION NO.1242 OF 2018**

Sou Vimal Sambha Bhunde & Ors. ..Appellants

vs.

Shri Hanumant Bhima Dhumal & Ors. ...Respondents

Mr.Pavan S. Patil for the Appellants.

Mr. J. S. Yadav i/b Mr. V.B. Tapkir for the Respondent No.5.

CORAM : A. M. DHAVALA, J.

DATE : 17th SEPTEMBER, 2018.

P.C.:

. This application is for bringing on record legal representatives of Appellant No.3, who died on 13/11/2015 during the pendency of First Appeal. The learned counsel for the appellants submits that he had moved the First Appellate Court under Order 22 Rule 3 for bringing the legal representatives on record by setting aside the judgment and by condoning delay of 36 days in filing appeal. The Trial Court did not set aside the abatement and did not condone the delay in preferring the appeal.

2. In view of the aforesaid facts, the application is allowed. Legal representatives be brought on record.

3. Issue notice to the Respondents. Advocate for the appellant assures to give a copy of appeal memo to the learned advocate for the Respondent No.1. Learned counsel for the appellant to serve the other respondents.

4. Stand over to 19/11/2018.

(A. M. DHAVALA, J.)