

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

**CIVIL APPLICATION NO.40 OF 2014
IN
SECOND APPEAL NO.22 OF 2011**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.V.S.Gokhale for the applicant

**CORAM : K.K.TATED, J.
DATED : 21/11/2014**

PC:

- 1 Heard the learned counsel for the applicant.
- 2 Though respondents are duly served, no one appeared on behalf of the applicant when the matter was called out.
- 3 This application is for bringing legal heirs on record of deceased respondent no.2, Satyawati Bhaskar Sawant, who expired on 21.3.2012.
- 4 Office note shows that legal heirs of deceased respondent no.2 are duly served.
- 5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case

for allowing the present Civil Application. Hence, following order:

(A) Civil Application is allowed in terms of prayer clause (a), (b), (c) and (d) which read thus:

“(a) The 168 days of delay caused in filing the Civil Application be condoned.

(b) The Order dated 20.06.2013 passed by the Registrar abating the Second Appeal as against Respondent No.2 be set aside.

(c) The Legal heirs of deceased Respondent No.2 Satyawati Bhaskar Sawant, be brought on record as mentioned in the title of the Civil Application and the Applicants be permitted to amend the title of Second Appeal accordingly after condoning the delay of 1 year 175 days.

(d) The filing of death certificate of deceased Respondent be dispensed with.”

(B) The Applicants are directed to carry out appropriate amendment in cause title of Second Appeal No.22 of 2011 within 8 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

(C) If appropriate amendment is carried out within stipulated time as stated hereinabove, office is directed to issue fresh notice to added respondent in Second Appeal No.22 of 2011, returnable after 12 weeks.

(D) In addition to usual mode of service, the applicant is directed to serve the added Respondent in Second Appeal by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect on or before next date.

(E) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)