

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15157/2013
IN
SECOND APPEAL NO.302/2009

Shantilal Dagduram Muthiyan ... Applicant

Versus

Nagendraprasad s/o Bansilal Shukla
deceased through L.Rs.& others ... Respondents

Advocate present.

CORAM: VIJAY S.KULKARNI
REGISTRAR (JUDL)

DATED: 04/02/2015

1. Heard learned Advocate for the appellant. Perused record and proceeding. The objection notified by the office is that respondent no.1 Nagendraprasad is shown to be dead. However, death certificate shows the name of deceased as Narendraprasad. The applicant has clarified by making necessary endorsement that the name of deceased is Nagendraprasad and not Narendraprasad Shukla.

In view of this clarification, the objection notified by the office does not survive.

The present civil application is filed by the applicant for bringing L.Rs. of deceased respondent no.1

Nagendraprasad Shukla on record. The civil application is supported by affidavit. The death certificate is filed on record. It reveals from the death certificate that Nagendraprasad Shukla died on 13.08.2013. The civil application is filed on 22.10.2013. Thus it is clear that the civil application is within limitation. There is no contest. Hence, I find no difficulty to pass following order.

ORDER

Civil Application No. 15157/2013 is hereby allowed.

L.Rs. of deceased respondent no.1 Nagendraprasad Shukla as stated in para no.3 of the civil application be taken on record by making necessary correction in cause title.

Amendment be carried out without delay.

Civil application is accordingly disposed of.

REGISTRAR (JUDL)