

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 319 OF 2014
IN
APPEAL FROM ORDER NO. 314 OF 2013**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. S.R. Ghanawat i/b V.S. Talkute for the applicant.

None for the respondent.

CORAM : K. K. TATED, J.

DATED : 05/01/2015.

P.C.:

. Heard learned Counsel for the applicant.

2 Though the respondents are duly served, no one appeared on behalf of them when the matter was called out.

3 Office note shows that Civil Application stands dismissed against respondent nos. 1B(ii) and 1B(iii).

4 Office is directed to make appropriate noting in Appeal from Order.

5 This application is for bringing legal heirs on record of deceased respondent no.1B Hari @ Harichandra Balkrishna Bhandare, who died on 07.10.2013.

6 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has

made out the case for allowing the civil application.

7 Hence, the following order.

i) Delay in preferring Civil Application is condoned.

ii) Applicant allowed to bring legal heirs on record of deceased respondent no.1B within 8 weeks from today, failing which civil application shall stand dismissed without referring back to the court.

iii) Office is directed to make appropriate noting in cause title of Appeal memo that Appeal from order stands dismissed against two legal heirs i.e. respondent nos. 1B(ii) and 1B(iii).

iv) If appropriate amendment is carried out within stipulated time as stated herein above, office is directed to issue notice to added legal heirs of respondent no.1B, returnable after 12 weeks.

v) In addition to usual mode of service, applicant is permitted to serve legal heirs of deceased respondent no.1B in Appeal from Order by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

vi) Civil Application disposed of accordingly.

(K.K.TATED, J.)