

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.611 OF 2015

WITH

SECOND APPEAL NO.729 OF 2004

(Babalal H. Tashildar and others Vs. Mumtajbi S. Banedar (decd.) through heirs and others)

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. Manoj Badgujar i/b. Mr. Abhijit P. Kulkarni for Applicants.

CORAM : R. G. KETKAR, J.

DATE : 8TH APRIL, 2015

P.C.:

Not on Board. At the request of Mr. Badgujar, taken up in the production Board.

2. Heard Mr. Badgujar, learned Counsel for applicants.

3. Mr. Badgujar submitted that applicants took out Civil Application No.321 of 2014 for bringing legal representatives of respondent No.1, since deceased, on record. By order dated 28.11.2014, Civil Application was allowed and the applicants were directed to carry out the amendment in the Second Appeal as well as pending Civil Applications, if any, within 12 weeks from the date of the order, failing which, Civil Application was to stand dismissed without referring back to the Court.

4. Mr. Badgujar submitted that within the period of 12 weeks, amendment could not be carried out. He further submitted that the delay of 11 days caused in filing Civil Application may be condoned and Civil Application No.321 of 2014 may be restored to the file. He submitted that the period stipulated in the order dated 28.11.2014 may be extended for the period of 1 week from today.

5. In view thereof and for the reasons stated in the Application, Civil Application is allowed in terms of prayer clauses (a) to (c) with no order as to costs. Amendment in the main Appeal and pending Civil Applications, if any, shall be carried out within a period of 1 week from today.

(R. G. KETKAR, J.)

Minal Parab