

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

**CIVIL APPLICATION NO. 899 OF 2015
IN
SECOND APPEAL NO. 984 OF 2004**

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

Mr .J. M. Joshi for the applicant.

Mr. N. V. Bajpai i/b Uday Warunjikar for the respondent no.2.

CORAM : K. K. TATED, J.

DATED : 23/10/2015.

PC.:

. Heard learned Counsel for the parties.

2 This application is for bringing legal heirs on record of deceased Respondent no.5 Bhabu Bapusaheb Pirjade, who died on 28.09.2012.

3 Though the legal heirs of deceased Respondent no.5 are duly served, no one appeared on behalf of them, when the matter called out.

4 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.

5 Hence, following order.

a) Delay in preferring the Civil Application is condoned.

b) Abatement is set aside.

c) Applicant is permitted to bring legal heirs on record of deceased Respondent no.5 in Second Appeal no. 984 of 2004 within eight weeks from today, failing which Civil Application shall stand dismissed without referring back to the court

d) If amendment is carried out within stipulated time as stated herein above, office is directed to issue notices to the added Respondents in Second Appeal no. 984 of 2004.

e) In addition to usual mode of service, applicant is permitted to serve added respondents in Second Appeal no. 984 of 2004 by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

f) Civil Application is disposed of accordingly.

(K.K.TATED, J.)