

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

**CIVIL APPLICATION NO. 984 OF 2015
IN
SECOND APPEAL NO. 209 OF 2014**

Shri Parshuram Gangaram Magdum
(deceased through legal heirs)

1(A) Smt.Vasanti Parshuram Magdum & Ors.... Appellants/Applicants

vs.

State of Maharashtra

... Respondent

.....

Mr.Ashish P. Pawar for the Appellants/Applicants.

....

**CORAM : K.K. TATED, J.
DATE : 07TH OCTOBER, 2015**

P.C.:

. Heard the learned counsel Mr.Pawar for the Applicants.

2. This application preferred by the legal heirs of the Plaintiff for adding them in Second Appeal No.209 of 2014 as legal heirs of the Plaintiff.

3. In the present proceeding the Appellate Court passed decree on 28th August, 2013 in Regular Civil Appeal No.354 of 2007. Thereafter, the Plaintiff preferred Second Appeal on 18th December, 2013, before the matter is admitted by this Court the sole plaintiff expired on 2nd August, 2014. Hence it is not necessary to issue notice to the other side.

4. Considering the submissions made by the learned counsel for the Applicant and averments made in Civil Application I satisfied that Applicant has made out a case for granting this Civil Application. Hence following order;

- (a) Delay in preferring the Civil Application is condoned.
- (b) Applicants are permitted to carry out appropriate amendment in Second Appeal No.209 of 2014 and pending Civil Application, if any by showing them as Appellants/Applicants.
- (c) Amendment to be carried out within six weeks from today, failing which Civil Application shall stand dismissed without referring back to the Court.
- (d) Civil Application stands disposed of accordingly.

(K.K. TATED, J.)

CERTIFICATE

Certified to be true and correct copy of
the original signed Judgment/Order.