

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

CIVIL APPLICATION NO.1122/2015
IN
SECOND APPEAL (ST) NO.19626/2014

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. P. K. Patole i/b. S. S. Patwardhan for the Applicant

Mr. M. S. Ansari i/b. R. M. Momin for the Respondent Nos.1, 3 to 5.

CORAM : K. K. TATED, J.

DATE : AUGUST 31, 2015

P.C.:

1. Heard. This application is for bringing legal heirs on record of deceased Respondent No.2 Sou.Kulsumbi Abdulkadar Patel who died on 22/12/2010 and for condonation of delay.

2. The learned counsel for the Applicant submits that the legal heirs of deceased Respondent No.2 are already on record as Respondent Nos.1 and 3 to 5. He submits that the Applicant may be allowed to treat them as legal heirs of deceased Respondent No.2 by carrying out appropriate amendment.

3. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

4. Hence, the following order:

a) Order dated 22/06/2015 passed by the learned Registrar (Judicial-II) is set aside.

b) Abatement is set aside.

c) The Applicant is permitted to delete the name of Respondent No.2 from the cause title of the Second Appeal as well as the pending Civil Application.

d) The Applicant is permitted to carry out appropriate amendment in cause title of the Second Appeal as well as pending Civil Application by showing the Respondent Nos.1 and 3 to 5 as legal heirs of deceased Respondent No.2.

e) Amendment to be carried out within 6 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

f) If amendment is carried out within stipulated time as stated hereinabove, the Applicant to serve an amended copy of the Second Appeal as well as Civil Application on the Respondent or their Advocate, thereafter.

g) Civil application stands disposed off accordingly.

JUDGE