

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

**CIVIL APPLICATION NO. 1093 OF 2014
IN
SECOND APPEAL NO. 579 OF 1988**

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

Mr. Rupesh Bobade for the applicant.
Mr. V. B. Rajure for the respondent nos. 5a.ii), 5a. iii) and 5a.iv).

**CORAM : K. K. TATED, J.
DATED : 21/08/2015.**

PC.:

. Heard learned Counsel for the applicant and the learned counsel for the respondent nos. 5a.ii), 5a. iii) and 5a.iv).

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

3 Leave to amend. Liberty granted to the applicant to carry out appropriate amendment by showing the correct name of respondent no. 5a(iv). Amendment to be carried out during the course of the day.

4 This application is for bringing legal heirs on record of deceased respondent no.5a Digambar Bhagwan Chavan who died on 09.01.2000.

5 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.

6 Hence, the following order is passed:

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.5a in Second Appeal no. 579 of 1988 and pending Civil Applications, if any, within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

d) If amendment is carried out within stipulated time as stated hereinabove, office is directed to issue notice to the added respondents in Second Appeal, returnable after 12 weeks.

e) In addition to usual mode of service, the applicant is permitted to serve the added Respondents by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect on or before next date.

f) Civil application stands disposed off accordingly.

(K.K.TATED, J.)