

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

**CIVIL APPLICATION NO. 1963 OF 2012
IN
SECOND APPEAL (ST) NO. 32724 OF 2012**

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. Prasad Kulkarni for the applicant.

Mr. Akshay Kulkarni i/b A. M. Kulkarni for the respondent no1.

CORAM : K. K. TATED, J.

DATED : 27/08/2015.

P.C.:

. Heard learned Counsel for the applicant and learned counsel for the respondent no.1.

2 This application is filed by legal heirs of deceased sole Appellant Mukund Narhar Karbhase who died on 29.03.2012.

3 Office note shows that Civil Application stands abated against respondent no.3 Saroj Madhukar Dashputre.

4 The learned counsel for the applicant submits that the Appellate Court passed decree on 31.03.2012, in Civil Appeal no. 35 of 2008 whereas, defendant no. 1 expired on 29.03.2012 i.e. just two days before the order passed by the Court. Hence, this application is filed by the widow of defendant

no.1 for permission to file the present Second Appeal.

5 The learned Counsel for the respondent vehemently opposed the present civil application. He submits that applicant has not shown sufficient cause for allowing the Civil Application. There is no substance in the civil application. Hence, civil application be dismissed with costs.

6 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.

7 Hence, the following order:

a) Civil Application is allowed in terms of prayer clause (b) which read thus :

“b) The present applicant may be allowed to file the present appeal as legal heir of deceased Mukund Narhar Karbhase and abatement if any may kindly be set aside.”

b) Office is directed to make appropriate endorsement on pending Civil Application as well as Second Appeal that matter stands abated against respondent no.3 Saroj Madhukar Dashputre.

c) Civil application stands disposed off accordingly.

(K.K.TATED, J.)