

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

**CIVIL APPLICATION NO. 1054 OF 2010
IN
SECOND APPEAL NO. 268 OF 1997**

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

Mr. for the applicant/appellant.

**CORAM : K. K. TATED, J.
DATED : 15/10/2015.**

P.C.:

- . Heard learned Counsel for the applicant.
- 2 None for the respondent, though duly served.
- 3 This application preferred by plaintiff for bringing legal heirs on record of deceased respondent no.3 Chandar Ganpat Mhaskar, who died on 29.09.2005.
- 4 The learned Counsel for the applicant submits that respondent no.3 died during the pendency of the present second appeal. He submits that Advocate appearing on behalf of respondent failed to inform the appellant about the death of respondent no.3. He submits that as soon as they learnt about the death of respondent no.3, they immediately preferred the present civil application.
- 5 The learned Counsel for the applicant submits that in the interest of justice this Hon'ble Court be

pleased to condone the delay in preferring the civil application and allow the applicant to bring legal heirs on record of deceased Respondent no. 3.

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

7 Hence, following order.

- a) Abatement is set aside.
- b) Delay in preferring civil application is condoned.
- c) Applicant is permitted to bring the legal heirs on record of deceased respondent no.3 in Second Appeal No. 268 of 1997 and pending civil application, if any, within 8 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, applicant is directed to serve the amended copy of Second Appeal on legal heirs or their Advocate thereafter immediately.
- e) Civil application stands disposed of accordingly.

(K.K.TATED, J.)