

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1120 OF 2015
IN
SECOND APPEAL NO. 180 OF 2008

Nathkumar Balarama Dharadhar ... Applicant
(since deceased through his legal heir)
Smt. Sarita Nathkumar Dharadhar
(since deceased through her legal heir)
Shailesh S. Dharadhar

vs.

Gajanan Narayan Warde ... Respondents
(since deceased through his legal heirs)
Shri Suhas Gajanan Warde and ors.

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Mr. A. C. Mahimkar for the applicant.
Mr. Onkar Warange for the respondents.

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CORAM : K.K. TATED, J.
DATE : 7th OCTOBER, 2015.

P.C.:

Heard learned counsel for the parties.

2. This Civil Application is preferred by the legal heirs of deceased-respondent Sarita Nathukumar Dharadhar to bring them on record in Second Appeal No.180 of 2008 as the respondents.

3. Advocate for the applicant submits that the sole-respondent-plaintiff expired on 26th May, 2014. When they learnt that the appellants/defendants are not taking any steps for bringing them on record as legal heirs of deceased sole-respondent, they preferred the present application.

4. The learned counsel appearing on behalf of appellants/defendants submit that they have no objection, if the Civil Application is allowed. Hence, the following order:

ORDER

- i) Delay in preferring Civil Application is condoned.
- ii) Abatement is set aside.
- iii) The appellants/defendants are directed to carry out amendment in Second Appeal No.180 of 2008 by bringing the legal heirs on record of the deceased sole-respondent.
- iv) If amendment is not carried out by the appellants/defendants within four weeks from today, second appeal shall stand dismissed without referring matter to Court.
- v) Civil Application stands disposed of accordingly.

(K.K. TATED, J.)