

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

CIVIL APPLICATION NO.330/2015
IN
SECOND APPEAL NO.519/1996

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. Salman Khan i/b. S. M. Railkar for the Applicant

Ms. Gauri Godse for Respondent No.2A to 2D.

CORAM : K. K. TATED, J.

DATE : SEPTEMBER 22, 2015

P.C.:

1. Heard. This application is for bringing legal heirs on record of deceased Respondent No.2 Govind Vinayak Dharap who died on 21/02/1996.

2. The learned counsel for the legal heirs of Respondent No.2 vehemently opposed the Civil Application. She submits that the Applicant has not shown sufficient cause for condonation of inordinate delay of 18 years 242 days in filing the Civil Application. Hence, there is no substance in the Civil Application. Same be dismissed with costs.

3. Considering the submissions made by the learned counsel for the Applicant and as the Respondent No.2 expired during pendency of the Second Appeal, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

4. Hence, the following order:

a) Delay in making the Civil Application is condoned.

b) Abatement is set aside.

c) The Applicant is directed to bring the legal heirs on record of deceased Respondent No.2 in the Second Appeal as well as the pending Civil Application within 8 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, the Applicant is directed to serve an amended copy of the Second Appeal as well as the Civil Application, if any, on the Respondent or their Advocate, immediately thereafter.

e) The learned counsel for the legal heirs of Respondent No.2 waives service in Second Appeal.

f) Civil application stands disposed off accordingly.

JUDGE

CERTIFICATE

Certified to be true and correct copy of the original
signed order.