

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.425 OF 2013
IN
FIRST APPEAL NO.284 OF 1997

Smt. Kamlabai @ Rakhminibai
Rarsingrao Mohite .. Applicant

In the matter between:

Smt. Kamlabai @ Rakhminibai
Narsingrao Mohite .. Appellant
-Versus-
Hiraman Khanderao Shirsath & Ors. .. Respondents

Mr.Amey Tamhane i/b. Mrs.Seema Sarnaik for applicant
Mr.Pankaj Pandey i/b. Anil Kumar Patil for proposed respondents.

CORAM : K.K.TATED, J.

DATE : 20th March 2015.

P.C.

1] Heard learned Counsel for parties. This application is preferred by the defendant No.1. for bringing legal heirs of deceased Bhagwan Namdeo Jadhav, respondent No.7 on record, who died on 7th August 2012.

2] Learned Counsel Mr. Pandey appears and submits that he

has received instructions to appear on behalf of legal heirs of the deceased respondent No.7. He further submits that he requires some time to file his vakalatnama on behalf of legal heirs of respondent No.7 in first appeal.

3] Considering the submissions made by the learned Counsel for applicants averments made in Civil Application and as the learned Advocate Mr.Pandey appearing on behalf of legal heirs of deceased respondent No.7, undertakes to file his vakalatnama on behalf of legal heirs of deceased respondent No.7 in first appeal, I am satisfied that the applicant has made out a case for allowing this application.

4] Hence, the application is allowed in terms of prayer clause (a) which reads thus:-

“(A) This Court be pleased to grant leave to implead the legal heirs of the deceased respondent No.7 Shri Bhagwan namdeo Jadhav on record in the First Appeal No.2267 of 2011 as per the schedule annexed at

Exh."B" herein and carry out the necessary consequential amendments."

(B) The applicant to carry out appropriate amendments within six weeks from today, failing which the civil application shall stand dismissed without reference to court.

(C) If the amendments are carried out within the stipulated time, the applicant is directed to serve the amended copy of the appeal memo on respondents or their Advocate thereafter.

(D) The civil application is disposed of.

(K.K.TATED, J.)