

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

**CIVIL APPLICATION NO. 642 OF 2015
IN
SECOND APPEAL NO. 446 OF 2014**

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. N. V. Khadalkar for the applicant.
Mr. S.P. Thorat for the respondent no.1.

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

P.C.:

. Heard learned Counsel for the parties.

2 This application is for bringing legal heirs on record of deceased respondent no.2 Shrikant Dnyaneshwar Ghatpande, who died on 19.09.2014.

3 The learned Counsel for the applicant submits that they preferred present Second Appeal on 26.03.2014. Same is pending for admission. He submits that before issuing any notice to the other side, they learnt that respondent no.2 expired. Hence, they preferred present civil application. He further submits that respondent no.2 was unmarried. His legal heirs are already on record in Second Appeal. He submits that the applicant may be permitted to treat some of the respondents as legal heirs of respondent no.2.

4 Considering the submissions made by the learned counsel for the Applicants, the averments made in the Application and as the legal heirs of deceased respondent no.2 are already on record in the capacity of appellant and respondent, I am satisfied that the Applicants have made out a case for allowing the present Civil Application.

5 Hence, following order.

- a) Abatement is set aside.
- b) Delay in preferring civil application is condoned.
- c) Applicant is permitted to carry out appropriate amendment in the cause title of second appeal as well as civil applications, if any, by showing some of the appellant and respondents as legal heirs of deceased respondent no. 2.
- d) Amendment to be carried out within four weeks from today, failing which, civil application shall stand dismissed without referring back to the court.
- e) Civil application stands disposed of accordingly.

(K.K.TATED, J.)