

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.692 OF 2015
IN
SECOND APPEAL NO.395 OF 2012**

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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Mrs.A.R.S.Baxi for the applicant
Mr.Vijay Killedar for the respondent nos.1 to 5, 6A and 6B

CORAM : K.K.TATED, J.
DATED : 07/09/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for bringing legal heirs on record of deceased respondent no.4, Rajendra Shivappa Kapase, who died on 16.4.2014.
- 3 Advocate for the applicant submits that legal heirs of deceased respondent no.4 are already on record as respondent nos.2, 3 and 5.
- 4 The learned counsel for the respondent submits that he is appearing for legal heirs of deceased respondent no.4. He further submits that they have no objection if present Civil Application is allowed.
- 5 Considering the submissions made by the

learned counsel for the Applicant, the averments made in the Application and as Advocate for legal heirs of respondent no.4 have no objection, I am satisfied that applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

- a) Delay in preferring Civil Application is condoned.
- b) Abatement is set aside.
- c) Applicant is permitted to bring legal heirs on record of deceased respondent no.4 in Second Appeal by treating respondent nos.2, 3 and 5 who are already on record.
- d) The learned counsel for the added respondents waives service in Second Appeal.
- e) Amendment be carried out within four weeks from today.
- f) Civil application stands disposed off accordingly.

(K.K.TATED, J.)

CERTIFICATE

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