

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

**CIVIL APPLICATION NO.798 OF 2014  
IN  
SECOND APPEAL NO.193 OF 2013**

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| 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.Walawalkar, Sr.Counsel i/b  
Mr.S.M.Sabrad for the applicant

**CORAM : K.K.TATED, J.**  
**DATED : 28/08/2015**

**PC:**

- 1 Heard the learned counsel for the applicant.
- 2 Though respondents are duly served, no one appeared on behalf of them when the matter was called out.
- 3 This application is for bringing legal heirs on record of deceased respondent no.5.
- 4 Considering the submissions made by the learned Senior counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- 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.5 in Second Appeal as well as pending Civil Application if any within six weeks from today failing which Civil Application shall stand dismissed without referring back to the court.
- d) If amendment is carried out within stipulated time as stated hereinabove, office is directed to issue notice to legal heirs of deceased respondent no.5 in Second Appeal as well as pending Civil Application, if any, returnable after 12 weeks.
- e) In addition to usual mode of service, applicant is permitted to serve legal heirs of deceased respondent no.5 by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.
- f) Civil application stands disposed off accordingly.

**(K.K.TATED, J.)**