

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

**CIVIL APPLICATION NO. 699 OF 2015
IN
APPEAL FROM ORDER NO. 1081 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. R. L. Shahapur for the applicant.
Mr. Kishor Joshi for respondent no.1.
Mr. A. I. Patel for the respondent no.2

**CORAM : K. K. TATED, J.
DATED : 30/04/2015.**

PC.:

. Heard learned Counsel for the parties.

2 This Application is preferred by the plaintiff for deleting the name of Appellant No.2 Mrs. Gulshan Bano Iqbal Khan, who died on 21.02.2015.

3 The learned counsel for the applicant submits that appellant no.2 does not have any legal heirs. Hence, he seeks permission to delete the name of appellant no.2 from the cause title of Appeal from Order as well as Civil Application, if any. Same is permitted.

4 The learned counsel for the applicant further

submits that the respondent no.1 also expired on same day i.e. 21.02.2015. He submits that applicant may be permitted to bring his legal heirs on record as stated in schedule A to the Civil Application.

5 It is to be noted that the Civil Application is filed within time.

6 Considering the submissions made by the learned 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.

7 Hence, the following order:

a) Applicant is permitted to delete the name of Appellant no.2 Mrs. Gulshan Bano Iqbal Khan from the cause title of appeal memo as well as pending Civil Applications, if any.

b) Applicant is permitted to bring legal heirs on record of deceased respondent no.1 Abdul Rehman Abu Jamadar as per Schedule A to the Civil Application in Appeal from Order as well as pending Civil Applications, if any.

c) Amendment to be carried out on or before 12.06.2015, 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, office is directed to issue fresh notice to the added respondents in Appeal from Order.

e) Civil Application is disposed of accordingly.

f) Ad-interim protection granted earlier to continue till further orders.

(K.K.TATED, J.)