

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

**CIVIL APPLICATION NO.1370 OF 2014
IN
SECOND APPEAL NO.413 OF 2001**

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.Bandiwadekar for the applicant

Mr.Samir Suryavanshi i/b Mr.S.A.Sawant for
the respondent no.1

CORAM : K.K.TATED, J.
DATED : 06/10/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for bringing legal heirs on record of deceased appellant no.3, Sou. Kshama Jayvant Walavalkar who died on 13.7.2001.
- 3 The learned counsel for the respondent no.1 vehemently opposed the present Civil Application. He submits that applicant has not shown sufficient cause for delay of more than 11 years in preferring Civil Application.
- 4 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in paragraph 2 of the Civil 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 the Civil Application is condoned.
- b) Abatement is set aside.
- c) Applicant is permitted to bring legal heirs on record of deceased appellant no.3 in Second Appeal No.413 of 2001 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, applicant is permitted to serve amended copy of Second Appeal on respondent's or their advocate immediately.
- e) Civil Application is disposed of accordingly.

(K.K.TATED, J.)

CERTIFICATE

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