

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 832 OF 2014
IN
SECOND APPEAL NO. 356 OF 2014

Savita Rajaram Kanase

.....Applicant

: V/S :

1. Hirabai Ramhari Kanase and anr.

.....Respondents

* * * * *

Mr. Nandu V. Pawar, Advocate for the applicant.

Mr. Vaibhav Gaikwad, Advocate for the respondents

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Coram :- Smt. R.P. SondurBaldota, J.

3rd February, 2015.

P.C. :-

1). The matter is placed on the board for speaking to the minutes of the order dated 11th August, 2014 passed by another Bench, issuing notice to the legal heirs of respondent no.2. Mr. Pawar, the learned Advocate appearing for the applicant points out the averment at para-6 of the application that the applicant/appellant herself is the only heir of deceased respondent no.2. This fact is not disputed by respondent no.1. In that circumstance, there was no question of issuing notice to the heirs of respondent no.2. However, since the fact that the applicant is the only

heir of respondent no.2 is not disputed, the Civil Application itself can be disposed off by taking the same on record.

- 2). By consent, the Civil Application is taken on board for hearing.
- 3). Mr. Gaikwad, learned Advocate appearing for the respondents, informs that respondent no.2 had infact expired while the appeal from decree was pending before the District Court and that circumstance, the title of the Second Appeal is not correct. Respondent no.2 ought to have been shown as deceased. Since that is the only amendment sought by the applicant, the Civil Application is allowed in terms of prayer clause (b). Amendments to be carried out within a period of one week from today.

(SMT. R.P. SONDURBALDOTA, J)