

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

**CIVIL APPLICATION NO. 2381 OF 2014
IN
FIRST APPEAL NO. 415 OF 1991**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. S.S. Hardikar for the applicant.

Mr. Hrushikesh Barge i/b S.B. Deshmukh for the Appellant.

Mr. A. N. Gosavi i/b P. B. Shah for respondent nos. 3 to 8.

CORAM : K. K. TATED, J.

DATED : 22/04/2015.

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by legal heirs of original appellant Shri. Munir Ebrahim Khan, who died on 19.08.2013.

3 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application. Hence, civil application is allowed in terms of prayer clauses (a), (b) & (c) which read thus:

“a) to condoned the delay of about 232 days in filing the present application for bringing legal heirs of the Appellant No.1 on record.

b) to set aside the resultant abatement of First Appeal no. 415 of 1991 with regard to Appellant no.1.

c) to allow the Applicants to bring legal heirs of the Appellant No.1 on record and thereby to carry out the necessary amendment in memo of First Appeal no. 415 of 1991.”

4 Applicant to carry out appropriate amendment within six weeks from today, failing which civil application shall stand dismissed without referring back to the court .

6 If amendment is carried out within stipulated time as stated herein above, applicant is directed to serve amended copy of appeal memo on respondents' advocate thereafter immediately.

7 Civil Application is disposed of accordingly.

(K.K.TATED, J.)