

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1582 OF 2015

IN

SECOND APPEAL NO. 239 OF 1996

Ramchandra Laxman Dalvi

Since deceased, through his legal heirs,

1.1 Smt.Sunanda Ramchandra Dalvi ... Applicants

vs.

Harishchandra Krishna Dalvi & Ors. ... Respondents

.....

Mr.K.J.Presswala i/b Mr.S.M.Sabrad for the Applicants.

Mr.U.P.Bobade i/b Mr.M.S.Karnik for the Respondent Nos.5 and 6.

....

CORAM : K.K. TATED, J.

DATE : 07TH OCTOBER, 2015

P.C.:

. Heard the learned counsel for the parties.

2. This application is preferred by the Defendants for deleting the name of Appellant No.4 Anandibai Krishna Dalvi, who died during the pendency of the present Second Appeal. The learned counsel for the Applicants submits that at present they are not pressing the prayer (b) of the Civil Application. He submitted that Applicant may be permitted to delete the name of the Appellant No.4 from the cause title of Second Appeal as well as pending Civil Application.

3. Considering the submissions made by the learned counsel for the Applicants and averments made in Civil Application, I am satisfied that the Applicants has made out a case for allowing this Civil

Application i.e. to delete the name of Appellant No.4 from cause title of Second Appeal as well as pending Civil Application at Applicant's cost and consequence. Hence following order;

- (a) Applicant is permitted to delete the name of the Appellant No.4 Anandibai Krishna Dalvi from cause title of Second Appeal as well as pending Civil Application at their cost and consequence.
- (b) Amendment to be carried out within 6 weeks from today.
- (c) Amended copy of Second Appeal to be served on the other side thereafter.
- (d) Civil Application stands disposed of accordingly.

(K.K. TATED, J.)

CERTIFICATE

Certified to be true and correct copy of
the original signed Judgment/Order.