

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

CIVIL APPLICATION NO.1597/2015
IN
SECOND APPEAL NO.945/2004

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. Vinod Sangvikar i/b. Umsh Mankapure for the Applicant

Mr. Govind Salunke h/f. Pratap Patil for the Respondent Nos.1 to 3.

CORAM : K. K. TATED, J.

DATE : OCTOBER 16, 2015

P.C.:

Heard. This Application is made by the legal heirs of sole Appellant original Defendant No.1 for bringing them on record in Second Appeal No.945/2004.

2. The learned counsel for the Applicant submits that the sole Appellant died on 19/02/2015. He submits that the Applicant had no knowledge about the legal proceedings and hence, there is delay in filing the Civil Application for bringing legal heirs on record of deceased sole Appellant.

3. 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.

4. Hence, the following order:

- a) Delay in making the Civil Application is condoned.
- b) Abatement is set aside.
- c) The Applicant is permitted to carry out appropriate amendment in the Second Appeal for bringing them on record as legal heirs of sole Appellant within 6 weeks from today, 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 the Applicant to serve an amended copy of the Second Appeal as well as pending Civil Application, if any, on the Respondents or their Advocate, thereafter immediately.
- e) Civil Application stands disposed off accordingly.

JUDGE