

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

**CIVIL APPLICATION NO. 1460 OF 2015
IN
SECOND APPEAL NO. 114 OF 2014**

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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Ms. Priyanka Joshi i/b R. S. Kate for the applicant.
Mr. K.C. Rex i/b Prabhakar Jagdale for the respondent.

**CORAM : K. K. TATED, J.
DATED : 12/10/2015.**

P.C.:

. Heard learned Counsel for the parties.

2 The Advocate Mr. Rex submits that they received instruction to appear on behalf of legal heirs of deceased Respondent No.3. He undertakes to file their vakalatnama on behalf of them.

3 This application is for bringing legal heirs on record of deceased Respondent No.3 Arjun Tukaram Bhise who died on 09.02.2015. There is 89 days delay in filing Civil Application.

4 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.

5 Hence, following order.

- a) Abatement is set aside.
- b) Delay of 89 days in filing application is condoned.
- c) Applicant is permitted to bring legal heirs on record of deceased Respondent No.3 Arjun Tukaram Bhise in Second Appeal as well as pending Civil Applications, if any, 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 herein above, applicant is directed to served the amended copy of Second Appeal memo on the added Respondents and/or their Advocates thereafter immediately.
- e) The learned Counsel Mr. K.C. Rex waives service for legal heirs in Second Appeal no. 114 of 2014.
- f) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)