

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2670 OF 1998
IN
SECOND APPEAL NO.162 OF 1997**

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.R.V.Bansode for the applicant

Mr.Salman Khan I/b Mr.S.M.Railkar for the
respondent nos.1 to 7

CORAM : K.K.TATED, J.
DATED : 14/10/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for bringing legal heirs on record of deceased respondent no.8, Shri Bhagwan Bhandu Daultade and respondent no.9, Shri Baba Dattu Daultade.
- 3 Though legal heirs of deceased respondents are duly served no one appeared on behalf of them when the matter was called out.
- 4 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 Civil Application, Hence, following order is passed:

- a) Delay in preferring Civil Application is condoned.
- b) Abatement is set aside.
- c) Applicant is permitted to bring legal heirs on record of deceased respondent no.8 and 9 in Second Appeal No.162 of 1997 as well as pending Civil Application 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 hereinabove, office is directed to issue notice to added respondents in Second Appeal No.162 of 1997, returnable after 16 weeks.
- e) In addition to usual mode of service, applicant is permitted to serve added respondents by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.
- f) Applicant is directed to serve amended copy of Second Appeal memo on remaining respondents or their advocate thereafter immediately.
- g) Civil application stands disposed off accordingly.

(K.K.TATED, J.)