

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

**CIVIL APPLICATION NO.1255 OF 2014
IN
SECOND APPEAL (ST) NO.30386 OF 2013**

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.Rahul S. Kadam for the applicant

Ms.Bhagyashree Bhosle i/b Mr.S.A.Tarale for
the respondent nos.4 and 8

CORAM : K.K.TATED, J.
DATED : 21/10/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 Liberty granted to the applicant to carry out appropriate amendment in prayer clause (a).
- 3 Amendment be carried out during the course of the day.
- 4 This application is for bringing legal heirs on record of deceased respondent no.1 Sita Raghunath Khilare, who died on 13.4.2013.
- 5 Though legal heirs of deceased respondent no.1 are duly served, no one appeared on behalf of them when the matter was called out.
- 6 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. Hence, following order:

- 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.1 in Second Appeal (ST) No.30386 of 2013 and pending Civil Application if any, within eight 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, applicant is directed to serve amended copy of Second Appeal and pending Civil Application on respondent's advocate thereafter immediately.
- e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)