

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

**CIVIL APPLICATION NO. 54 OF 2015
IN
SECOND APPEAL NO. 808 OF 2002**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. K. Y. Mandlik for the applicant.

Ms. Bhagyashree Bhosale i/b Nitin Deshpande for the respondent.

CORAM : K. K. TATED, J.

DATED : 12/10/2015.

PC.:

. Heard learned Counsel for the parties.

2 This application is for bringing legal heirs on record of sole appellant Thakuji Raghuji Bhoir, who died on 18.12.2013. There is delay of 172 days in filing Civil Application.

3 The learned counsel for the respondent vehemently opposed the present Civil Application. She submits that applicants have not shown sufficient cause for condonation of more than 170 days delay in preferring Civil Application.

4 Considering the submissions made by the learned counsel for the Applicants and the averments made in the Application, I am satisfied that the Applicants have made out a case for

allowing the present Civil Application.

5 Hence, the following order:

- a) Abatement is set aside.
- b) Delay in preferring the Civil Application is condoned.
- c) Applicants are permitted to carry out appropriate amendment in Second Appeal no. 808 of 2002 by adding them as legal heirs of sole appellant within eight 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, applicants are directed to serve the amended copy of Appeal memo on respondents or their advocates thereafter immediately.
- e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)