

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

**CIVIL APPLICATION NO.1507 OF 2014
IN
SECOND APPEAL (ST) NO.10242 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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Mr.U.B.Nighot for the applicant

Mr.Bhushan Walimbe i/b Ms.Priti Walimbe for the respondent nos.3 to 5

Mr.Amey S. Tamhane for the respondent no.1

CORAM : K.K.TATED, J.
DATED : 24/08/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by defendant no.7 for bringing legal heirs on record of deceased respondent no.2, Satu Rama Modak who died on 31.7.2006.
- 3 The learned counsel for the applicant submits that legal heirs of deceased respondent no.2 are already on record. They may be allowed to treat them as legal heirs of deceased respondent no.2.
- 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 present Civil Application. Hence, following order:

- a) Delay in preferring Civil Application is condoned.
- b) Abatement is set aside.
- c) Liberty granted to the applicant to delete the name of respondent no.2 from the cause title of Second Appeal and pending Civil Application, if any.
- d) Applicant is permitted to carry out appropriate amendment showing remaining respondents as legal heirs of deceased respondent no.2.
- e) Amendment be carried out within six weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.
- f) Civil application stands disposed off accordingly.

(K.K.TATED, J.)