

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

**CIVIL APPLICATION NO.20 OF 2013
IN
SECOND APPEAL NO.523 OF 2012**

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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Mrs.A.R.S.Baxi for the applicant

None for the respondent

CORAM : K.K.TATED, J.
DATED : 28/08/2015

PC:

- 1 Heard the learned counsel for the applicant.
- 2 None for the respondent though duly served.
- 3 This application is preferred by defendant no.1 to 7 for bringing legal heirs on record of deceased respondent no.11 Rajaram Aba Bhosale, who died on 18.7.2001.
- 4 The learned counsel for the applicant submits that the respondent plaintiff in Regular Civil Suit No.28 of 1993 in paragraph 6 made a categorical statement that they joined respondent no.11 original defendant no.17 as a formal party.
- 5 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.11 in Second Appeal 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 respondent in Second Appeal No.523 of 2012 with pending Civil Application if any, returnable after 12 weeks.
- e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)