

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

**CIVIL APPLICATION NO.104 OF 2014
IN
CIVIL APPLICATION NO.763 OF 2012
IN
APPEAL FROM ORDER (ST) NO.11728 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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Mr.Ajay S. Patil for the applicant

Mr.Rahul Walvekar for the respondent no.2

Mr.B.C.Tangsali h/f Mr.Omkar Nagvekar for
the respondent no.1A, 1B, 1D, 1E, 1F and
1G

CORAM : K.K.TATED, J.
DATED : 12th JANUARY, 2015

PC:

1 Heard the learned counsel for the parties.

2 This application is for bringing legal heirs on record of deceased respondent no.1, Pandurang Dadu Desai who died on 9.11.2012.

3 Office note shows that Civil Application stand dismissed against two legal heirs of deceased respondent no.1, i.e. Sunil Pandurang Desai and Mrs.Sunita Anil Sapkad.

4 Office is directed to make appropriate noting in Appeal from Order to that effect and pending Civil Applications, if any.

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) Civil Application is allowed in terms of prayer clauses (b) and (c) which read thus:

“(b) Delay 313 years may be condoned in filing this Civil Application.

(c) The names of the legal representatives of Respondent No.1 i.e. Mr.Pandurang Dadu Desai (Deceased) be brought on record.”

(B) Applicant to carry out appropriate amendment within four weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.

(C) The learned counsel Mr.B.C.Tangsali makes a statement that he received instructions to waive service on behalf of legal heirs of deceased respondent no.1.

(D) Office is directed to make noting in cause title of Appeal from Order and pending Civil Application if any, that matter stands rejected against two legal heirs i.e. Sunil Pandurang Desai and Mrs.Sunita Anil Sapkad.

(E) Civil Application is disposed of accordingly.

(K.K.TATED, J.)