

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.128/2016

IN
CIVIL REVISION APPLICATION NO.404/2010

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. Surel S. Shah for the Applicant

Mr. S. S. Kothari for the Respondent Nos.1 to 3.

CORAM : K. K. TATED, J.

DATE : MARCH 7, 2016

P.C.:

1. Heard. This application is for bringing legal heirs on record of deceased sole Applicant Madhukar Vasudev Soman who died on 05/05/2013. There is delay in making the Civil Application.

2. The learned counsel for the Respondent vehemently opposed the Civil Application. He submits that the Applicant has not shown sufficient cause for condonation of delay. He submits that the reasons given by the Applicant about want of knowledge are incorrect. Hence, there is no substance in the Civil Application. Same be dismissed with costs.

3. 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.

4. Hence, the following order:

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

(a) The delay of 1 year and 199 days in filing the present Civil Application may kindly be condoned.

(b) That abatement of the Civil Revision Application may kindly be set aside and Applicant Nos.1a to 1c may be brought on record as heirs of deceased Applicant No.1.

b) The Applicant is directed to carry out appropriate amendment in the Civil Revision Application within 6 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

c) If amendment is carried out within stipulated time as stated hereinabove, the Applicant is directed to serve an amended copy of the Civil Revision Application as well as pending Civil Application, if any, on the Advocate for the other side, immediately thereafter.

d) Civil Application stands disposed of accordingly.

JUDGE