

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

***CIVIL APPLICATION NO. 864 OF 2015
IN
SECOND APPEAL NO. 1367 OF 2005***

Shri Chhabanrao Damodar Shirke ... Applicant

v/s

Shri Shivajirao Ganpat Naik ... Respondent

Mr.B.G.Ligade i/by Drupad Patil for the applicant.

Mr.Vaibhav Gaikwad for Respondent No.1 C.

Coram: N.M. Jamdar, J.

Dated: 12 August 2016

P.C.:

The civil application is filed for bringing heirs of Respondent No.1 on record and for condonation of delay. Detailed reasons are given in the application. It is stated that the Applicant was not aware of the death of Respondent No.1. Learned counsel for the Respondent opposes, however, nothing is placed on record indicating that the information regarding death of Respondent No.1 along with details of heirs, was indicated to the Applicant or the Applicant was otherwise aware about the death of Respondent No.1.

2 In the circumstances, the application is allowed in terms of prayer clauses (a), (b), (c) and (d).

3 Amendment to be carried out within a period of four weeks from today.

4 Place the appeal on board for final hearing, if it is ready in all respect, as per its turn and categorization.

(N. M. Jamdar, J.)