

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 375 OF 2016
IN
FIRST APPEAL (ST) NO. 3087 OF 2016**

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. Gayatri Singh i/b Mani Prakash for the applicant.

Mr. A.R. Patil, AGP for Respondent No.1

Mr. Abhijeet Desai for Respondent No.2.

Mr. Chirag Balsara with Ms.Gargi Bhagwat i/b Divekar Bhagwat & co. for the respondent No.5

**CORAM : K. K. TATED, J.
DATED : 08/02/2016**

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by legal heirs of original plaintiff for allowing them to file First Appeal challenging the judgment and decree dated 27.11.2015 passed by Bombay City Civil Court, at Dindoshi, Borivali Division, Mumbai in L.C. Suit No. 113 of 2010.

3 It is the case of the applicant that as soon as the judgment and decree passed by the Trial Court, the original plaintiff died on 03.12.2015. Hence, the

present First Appeal is filed by the legal heirs of the deceased plaintiff. Therefore, the Civil Application may be allowed.

4 The learned counsel for the Respondent have no objection, if the present Civil Application is allowed.

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.

6 Hence, the following order:

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

“b) This Hon'ble Court be pleased to allow this leave to Appeal and permit the Applicants to bring on record the Applicant Nos. 1(a) (b) (c) & (d) as the legal heirs of deceased Applicant.”

b) Civil application stands disposed off accordingly.

(K.K.TATED, J.)