

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 274 OF 2013
IN
SECOND APPEAL NO. 187 OF 2000

Krishna Ragho Gaikar,
Since deceased through legal heirs

..... Applicant

VERSUS

Dhavoo Shambhoo Bhoir
Since deceased through legal heirs & Ors.

..... Respondents

Mr.Rohit Joshi, i/b. Ms.Gauri Godse for the Applicant.

Mr.Ramesh Sawant, i/b. Mr.Sachin Dhakephalkar for Respondent nos. 1A to 1C.

CORAM : R.D. DHANUKA, J.

DATE : 20th AUGUST, 2016

P.C.

There is no dispute that all parties are served.

2. By this civil application, the applicant seeks condonation of delay of 263 days in filing this civil application and for setting aside the abatement if any, and for bringing legal heirs of the respondent no.1 on record who died on 13th February, 2012. The applicant has disclosed about the knowledge of the applicant about the legal heirs of the 1st respondent and about his death. The delay in filing civil application is properly explained. No affidavit in reply is filed by the respondents including the proposed respondents.

3. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clauses (a) to (c).

4. Amendment to be carried out within two weeks from today. Amended copy

of the second appeal shall be served upon the respondents including newly added parties within one week from the date of carrying out amendment.

5. Learned counsel appearing for the newly added parties waive service.
6. Civil application is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]