

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

**CIVIL APPLICATION NO. 2047 OF 2014
IN
FIRST APPEAL NO. 1087 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. Sumit Khaire for the Applicant.

Mr. V. S. Tadke i/b D.D. Shinde for the respondent nos. 1 to 5.

Mr. Ketan Joshi for Respondent No.7.

CORAM : K. K. TATED, J.

DATED : 28/01/2016

PC.:

. Heard learned counsel for the parties.

2 Though the legal heirs of Respondent No.6 are duly served, no one appeared on behalf of them when the matter called out.

3 This application is for bringing legal heirs on record of Respondent No. 6, who expired on 06.08.2004.

4 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application.

5 Hence, following order.

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

“a) The delay in filing the present Civil Application may kindly be condoned.

b) The Civil Application may kindly be allowed and permit the Applicants to bring the Respondent Nos. 6(a) to 6(c) as legal heirs of the Respondent No.6 and also set aside the abatement order dated 28.02.2013 & 11.02.2014.”

b) Applicant to carry out appropriate amendment within six weeks from today, failing which Civil Application shall stands dismissed without referring back to the court.

c) If amendment is carried out within stipulated time as stated herein above, applicant to serve the amended copy of First Appeal on Respondents as well as added Respondents thereafter immediately.

d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)