

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3284 OF 2016
IN
FIRST APPEAL NO.100 OF 2002
IN
B.C.C.C. SUIT NO.2611 OF 1983

Gangaben Gopalji Vishram Ganatra
(Since Deceased)
Through Meena Suresh Ganatra & Ors. Applicants

In the matter between

Gangaben Gopalji Vishram Ganatra
(Since Deceased)
Through Meena Suresh Ganatra & Ors. Appellants

V/s.

Madhusudan Jethmal Chande
(Since Deceased), Through LRs -
Chetana M. Jethmal Chande (Since Deceased),
Through LRs. - Umesh M. Chande & Ors. Respondents

And

Sonal Ritesh Chande & Ors. Prop. Respondents

Ms. Reena Salunkhe, i/by Mr. Omkar M. Kulkarni, for the Applicants.

None for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 1ST SEPTEMBER 2016.

P.C. :

1. Heard learned counsel for the applicants.
2. This is an application to bring on record legal heirs of deceased respondent No.1C, who has expired on 27th May 2013. It is submitted that

there is delay in preferring this Civil Application, because applicants were not aware about the demise of respondent No.1C. Hence, prayer is also made for condonation of delay, for setting aside abatement as against respondent No.1C and also to bring on record legal heirs of respondent No.1C.

3. Learned counsel for the applicants submits that the notice of this Civil Application was duly served on the respondents and affidavit-of-service to that effect is also filed on record.

4. In view thereof, delay in preferring this Civil Application is condoned. The abatement as against respondent No.1C is set aside and the applicants are permitted to bring on record proposed respondent Nos.1 to 3 herein as respondent Nos.1C(i), (ii) and (iii) in the First Appeal No.100 of 2002.

5. Upon the necessary amendments being carried out, fresh notice be issued to the proposed respondents, returnable on 13th October 2016.

6. Civil Application stands disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]