

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

**CIVIL APPLICATION NO.461 OF 2016
in
SECOND APPEAL (ST.) NO.10082 OF 2015
along with
SECOND APPEAL (ST.) NO.10082 OF 2015**

Sushila Vishnu Vaidya & Ors. .. Applicants/Appellants

Vs.

Madhukar Yashwant Vaidya & Ors. .. Respondents

Mr.V.H. Narvekar i/by Mr.Shailendra S. Kanetkar for the Applicants/
Appellants.

Mr.T.D. Deshmukh for the Respondent nos.1, 2A and 2B.

CORAM : R.D. DHANUKA, J.

DATE : 15th October 2016

P.C.

. Learned counsel appearing for the applicants states that the respondent no.5 has expired and seeks liberty to delete his name from the cause title of the civil application and also the second appeal on instructions received by him from his clients.

2. Leave to amend is granted to delete the name of the respondent no.5 from the cause title of the civil application and the second appeal. Amendment to be carried out within one week from today.

3. I have heard the learned counsel for the applicants and have perused the averments made in the civil application. I am satisfied that the delay of 110 days in filing the second appeal is sufficiently explained.

4. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clause (a). Civil application is disposed of in aforesaid terms. No order as to costs.

5. Place the second appeal on board for 'admission' on 25th November 2016.

R.D. DHANUKA, J.