

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

***CIVIL APPLICATION NO. 1349 OF 2015
IN
SECOND APPEAL NO. 467 OF 1996***

Digambar Bhagwan Bagave
(since deceased, through heirs)

1 A. Smt.Satyabhama Digambar Bagave & ors. ... Applicants
v/s

Vishram Raghunath Bagave & ors. ... Respondents

Mr.V.S.Gokhale for the applicants/appellants.

None present for the respondents.

Coram: N.M. Jamdar, J.

Dated: 12 August 2016

P.C.:

The civil application is filed for bringing the heirs of Respondent No.9 on record. Notice was issued to the heirs of Respondent No.9. The heirs of Respondent No.9 have been served. Learned counsel for the Applicants states that an affidavit of service is filed.

2 Perused the application. It is stated in the application that the Applicants were not aware of the details of the legal heirs, hence there

was a delay. No reply is filed controverting this assertion. Nothing is placed on record as to whether the Applicants were aware about the death of Respondent No.9 and the details of the heirs or that any communication was given to the Applicants informing the death of Respondent No.9 along with the details of the heirs. In view of this position, the delay in filing this application will have to be condoned.

3 Accordingly, the civil application is allowed in terms of prayer clauses (a) and (b).

4 Amendment to be carried out within a period of four weeks from today.

5 Place the second appeal on board for final hearing after the amendment is accordingly carried out, as the appeal is of the year 1996.

(N. M. Jamdar, J.)