

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

CIVIL APPLICATION NO.6668 OF 1997

IN

FIRST APPEAL NO.855 OF 1995

The State of Maharashtra

.. Applicant

Versus

Mahadeo Ragho Parab, deceased

Anandi Mahadeo Parab and ors.

.. Respondents

Mr. A R Patil, AGP, for the Applicant.

CORAM : R.M. SAVANT, J.

DATE : 8th JULY 2016

PC.

1. It appears that the name of Advocate Shri. S. S. Kulkarni as appearing for the Respondent No.1 has wrongly been shown. The said appearance therefore to be deleted.

2. The above Civil Application has been filed for bringing the heirs of the Respondent No.1 on record. The Respondent Nos.1B and 1C are served. However, in so far as Respondent No.1A is concerned, it seems she has expired and therefore the Civil Application in so far as Respondent No.1 has abated. Since the Respondent Nos.1B and 1C are served, it would be just and proper to allow the Civil Application in so far as the said Respondents are concerned. Hence, for the reasons mentioned in the Civil

Application, the delay in filing the same is condoned. The Civil Application is allowed. Resultantly, the heirs of the Respondent No.1 i.e. Respondent Nos.1B and 1C are allowed to be brought on record as the heirs of the Respondent No.1. The Applicant State would be at liberty to bring the heirs of the Respondent No.1A after information in that respect is received. The Civil Application is accordingly disposed of. Amendment to be carried out within two weeks.

3. On amendment being carried out, issue notice to the Respondent Nos.1B and 1C in the First Appeal returnable 05.08.2016. In addition to service of notice through Court, the advocate for the Appellant shall serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery on the Respondents and shall file affidavit of service before the returnable date.

[R.M. SAVANT, J]