

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

CIVIL APPLICATION NO.60 OF 2016

IN

REJECTED CASE NO.171 OF 2012

M/s. Sarvottam Constructions

.. Applicant

Versus

Babulal Ziprulal Sali (Pawar)

(Since deceased through heirs)

Arun Bhaulal Sali (Pawar) and others

.. Respondents

Ms. Manjiri S. Parasnis, for the Applicant.

CORAM : R.M. SAVANT, J.

DATE : 3rd MARCH 2016

PC.

1. The above Civil Application has been filed to recall the order dated 21.11.2011 passed in Civil Application No.358 of 2011 and for restoration of the said Civil Application as also Civil Revision Application (Stamp) No.14423 of 2011.

2. By the said order dated 21.11.2011, a Learned Single Judge of this Court had disposed of the Civil Application for condonation of delay on the ground that since the Respondent had expired the said Civil Application had abated. The instant Civil Application has been filed on

13.08.2012 but has been pending ever since then. By the instant Civil Application, the Applicant seeks to bring on record the heirs of the sole Respondent who are arrayed in the cause title as Respondent Nos.1 to 3. Since the Civil Application for condonation of delay being No.358 of 2011 has been disposed of on the ground that the same has abated and since by the instant Civil Application the Applicant seeks to bring the heirs of the Respondent on record, the above Civil Application is required to be allowed and is accordingly allowed. The order dated 21.11.2011 would accordingly stand recalled. The order of abatement would also stand recalled. The Applicant is allowed to bring the heirs of the Respondent No.1 i.e. Respondent Nos.1 to 3 to the Civil Application on record both in the Civil Application and the Civil Revision Application. Amendment to be carried out within two weeks from date. List the Civil Application No.358 of 2011 along with Civil Revision Application (Stamp) No.14423 of 2011 after two weeks. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]