

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 1521 OF 2015****IN****SECOND APPEAL (ST) NO. 2453 OF 2015****Dinkar Manaku Mahar @ Kamble,****Since deceased by Lrs. & Ors.****..... Applicants****VERSUS****Jagannath Rama Mahar (Bhandare) & Ors.****..... Respondents**

Mr.T.S.Ingale for the Applicants.

Mr.Vivek Patil, a/w. Mr.Sandesh Godse, i/b. Vivek Patil & Associates for the Respondents.

CORAM : R.D. DHANUKA, J.**DATE : 20th AUGUST, 2016****P.C.**

Learned counsel appearing for the applicants states that all the respondents including proposed respondents are served. Learned counsel appearing for respondent no.1 waives service. No affidavit in reply is filed. Respondent nos. 2A to 2D are absent.

2. I have heard learned counsel appearing for the applicants and learned counsel appearing for the respondent no.1. I have also perused the civil application filed by the applicants. In my view the applicants have sufficiently explained the delay in filing civil application. Civil application is filed for amendment of the second appeal in view of the demise of the respondent no.2 and for setting aside the order of abatement and condonation of delay. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clauses (a) to (c). Amendment to be carried out within two weeks from

today. Amended copy of the second appeal shall be served upon the legal heirs of the respondent no.2 and other respondents within two weeks from the date of carrying out amendment. No order as to costs.

[R.D. DHANUKA, J.]