

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

**CIVIL APPLICATION NO.40 OF 2013
IN
CONTEMPT PETITION NO.364 of 2010**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.VH.Narvekar i/b Mr.S.S.Kanetkar for the applicant

Mr.VB.Tapkir for the respondent nos.3A to 3E

Mr.Uday P. Warunjikar for the respondent no.1

CORAM : K.K.TATED, J.

DATED : 19/01/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for bringing legal heirs on record of deceased respondent no.2 Sonba Yeshwant Choudhari who died on 8.2.2013.
- 3 Though legal heirs of deceased respondent no.2 are duly served, no one appeared on behalf of them when the matter was called out.
- 4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for

allowing the present Civil Application. Hence, following order:

A) Civil Application is allowed in terms of prayer clause (a), (b) and (c) which read thus:

“(a) The delay of 133 days in filing the present Civil Application be condoned.

(b) Abatement if any against the Respondent No.2 may kindly be set aside.

(c) The Applicant herein be permitted to bring on record the Respondent Nos.2A to 2F herein as legal heirs and representatives of the deceased Respondent No.2 and further be permitted to carry out necessary amendment in the cause title of the above Contempt Petition suitably and in accordance with the law.”

B) Applicant to carry out appropriate amendment within six weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.

C) If amendment is carried out within stipulated time as stated hereinabove, office is directed to issue notice to added respondent.

D) Applicant is directed to serve amended copy of petition on respondents' advocate immediately thereafter.

E) Civil application stands disposed off accordingly.

(K.K.TATED, J.)