

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

**CIVIL APPLICATION NO.1029 of 2016
IN
WRIT PETITION NO.5198 of 1999**

Gangaram Govind Shedgey ... Applicant
(Org. Petitioner & Plaintiff)

In the matter between

Gangaram Govind Shedgey ...Petitioner/Org. Plaintiff
V/s.

Surendralal Parmanand Shah (Since decd)
through his heirs 1A Sushilaben Surendralal
Shah & Ors. ... Respondents

Mr. A. R. S. Baxi for the applicant
Mr. Jaydeep Deo for the respondents.

CORAM: K.K. TATED, J.
DATED : 22nd APRIL, 2016

P.C. :

. Heard learned counsel for the parties.

2. This application is preferred by the plaintiff for bringing legal heirs on record of the deceased/respondent No.1(b) Deepak S. Shah who died on 12/7/2014.

3. Learned counsel for the respondent submits that he has received instructions to appear on behalf of legal heirs of the deceased respondent No.1(b). He further submits that he does not

have any objection if the Civil Application is allowed.

4. Considering the submissions made by learned counsel for the applicant and as learned counsel appearing on behalf of legal heirs has no objection to allow the present Civil Application, the following order is passed:

ORDER

(i) Civil Application is allowed in terms of prayer clause (a), (c), (d) and (e) which reads thus:

- a) Respondent No.1B(i) to (iii) be brought on record as heirs and legal representatives of deceased Respondent No.1B i.e. Deepak Surendralal Shah;
- c) Record be amended accordingly.
- d) Order of abatement if any, be set aside.
- e) delay if any in filing this Civil Application be condoned.

(ii) The applicant to carry out appropriate amendment in the pending Civil Application and Writ Petition on or before 10/6/2016 and serve amended copy to the respondent's advocate, failing which the Civil Application shall stand dismissed without referring back to the Court.

(iii) Civil application is disposed of.

(K.K. TATED, J.)