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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1623 OF 2015
IN
SECOND APPEAL NO.23 OF 2012

Bhagirath C. Ponda ...Applicant
V/s.
Narottam G. Prajapati, since deceased
through His L.Rs. - Narmada N. Prajapati & Ors. ...Respondents

Mr.G.S. Hiranandani i/b Mr.C.G. Gavnekar for the Applicant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 26TH AUGUST, 2016.

P.C. :-

1. Learned counsel appearing for the applicant states that the respondents are served. I have heard the learned counsel for the applicant. The proposed respondents have filed the affidavit in reply dated 18th January, 2016 opposing the civil application.

2. I have perused the averments made in the civil application and also the affidavit in reply filed by the proposed respondents opposing the application for condonation of delay and for bringing the legal heirs and representatives on record. There is no dispute that respondent has expired. The applicant has satisfactorily explained

the delay in filing the application for bringing the legal heirs and representatives on record. I am not satisfied with the objections of the 4th respondent in the affidavit in reply.

3. For the reasons recorded in the civil application, the civil application is made absolute in terms of prayer clauses (a) and (b). The amendment to be carried out within two weeks from today. The amended copy of the second appeal shall be served upon the newly added parties within two weeks from the date of carrying out amendment.

3. No order as to costs.

(R.D. DHANUKA, J.)