

Sequeira

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

*CIVIL APPLICATION NO. 548 OF 2016
in
SECOND APPEAL NO. 1170 OF 2004
Along with
CIVIL APPLICATION NO. 549 OF 2016*

Mr.Bhikaji Fulaji Pawar & Ors.	.. Applicants
<i>In the matter between</i>	
Mr.Madhavlal Bhavarilal Saukhiya & Ors.	.. Appellants
<i>Vs</i>	
Mr.Bhikaji Fulaji Pawar & Ors.	.. Respondents

Mr.Dushyant Pagare, for Applicants in both C.A and original Respondents.
None for original Appellants.

***CORAM: N.M. Jamdar, J.
Friday, 1 July 2016.***

P.C.:

This Civil Application is filed by the Respondents to bring on record Appellant No.2a to 2e, as representatives of deceased Appellant No.2. On 22 April 2016, the following order was passed-

'This Application is taken out by the Respondents in the Appeal to bring heirs of the Appellant No.2 on record. The learned Counsel for the Appellants seeks time to take instructions to ascertain the factual position.

2. *Stand over to 29 April 2016.*

3. In case, if there are other heirs than the one specified in the Civil Application, the learned Counsel for the Appellants will provide the details to the learned Counsel for the Applicants. Though the course of action adopted by the Respondents in taking out the Civil Application is not entirely correct, to save time and since the learned Counsel for the Appellants has no objection, it is permitted.'

Thereafter on 29 April 2014, following order was passed-

'Learned Counsel for the Appellant seeks further time, either to confirm the details of the heirs or to take out an application by themselves'.

2. None for the Respondents / original Appellants. No reply is filed neither any application is taken out by the Appellants. The learned counsel for the Applicants states till date the Appellants have not confirmed the factual position. In view of the earlier orders passed, Civil Application is allowed in terms of prayer clause (a) and (b). The Respondents / original Appellants will carry out the necessary amendment within period of four weeks from today.

(N.M.Jamdar, J.)