

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 104 OF 2016
IN
CIVIL REVISION APPLICATION NO. 417 OF 2007**

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. S.S. Patwardhan for the Applicant.
Mr. M.S. Athalye for the Respondent.

**CORAM : K. K. TATED, J.
DATED : 28/03/2016**

P.C.:

- . Heard learned Counsel for the parties.
- 2 This application is for bringing legal heirs on record of deceased respondent no.1, Shantaram Vasudeo Mantri, who died on 13.02.2013.
- 3 The learned counsel for the applicant submits that earlier they preferred Civil Application for bringing some of the legal heirs on record of deceased respondent. He submits that thereafter the respondent preferred Civil Application Nos. 587 of 2014 and 463 of 2015. At that time, the applicant learnt that there are more legal heirs. Hence, applicant preferred the present Civil Application for bringing remaining legal heirs on record. He submits that in the interest of justice, this Hon'ble

Court be pleased to allow the applicant to bring legal heirs on record of deceased respondent as stated in the paragraph 4 of the Civil Application.

4 On the other hand, learned counsel for the legal heirs of deceased respondent vehemently opposed the present Civil Application. He submits that applicant has not shown sufficient cause for condonation of delay. He submits that they preferred Civil Application in the month of January 2015 disclosing the names and addresses of all the legal heirs. In spite of that, the applicant has preferred the present Civil Application in the month of October 2015. Hence, there is no substance in the civil application, same to be dismissed with costs.

5 I heard both the sides at length. It is to be noted that on the basis of Civil Application nos. 587 of 2014 and 463 of 2015, the applicant learnt the remaining names and addresses of legal heirs of deceased respondent. Thereafter, applicant has preferred the present Civil Application.

6 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. But, at the same time, applicant has to pay cost of Rs.500/- to the Respondent or their Advocate within four weeks

from today.

7 Hence, the following order:

a) Delay in preferring the Civil Application is condoned.

b) Abatement is set aside.

c) Applicant is permitted to bring legal heirs on record of deceased respondent in Civil Revision Application No. 417 of 2007 within six weeks from today.

d) Applicant to pay Rs.500/- by way of cost to the respondents or their advocate within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

e) The learned counsel Mr. Athalye waives service for the legal heirs in Civil Revision Application No. 417 of 2007.

f) Civil application stands disposed off accordingly.

(K.K.TATED, J.)