

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

**CIVIL APPLICATION (ST.) NO.30041 OF 2015
IN
SECOND APPEAL NO.239 OF 1996**

Ramchandra Laxman Dalvi (since deceased)
through his legal heirs

1.1) Smt.Sunanda Ramchandra Dalvi & Ors. .. Applicants

Vs.

Harishchandra Krishna Dalvi & Ors. .. Respondents

Mr.Presswala i/by Mr.Suresh M.Sabrad for the applicants.

Mr.A.Pol for the respondent nos.1, 3 & 4.

Mr.U.P. Bobade for the respondent nos.5 to 7.

CORAM : R.D. DHANUKA, J.

DATE : 18th February 2016

P.C.

. The matter is not on board, taken on board.

2. By this civil application, the applicants seek condonation of delay in filing the second appeal and seeks permission to bring legal heirs and representatives of deceased respondent no.2 as the respondent nos.2A and 2B on record.

3. Learned counsel appearing for the applicants invited my attention to the letter dated 17th April 2015 annexed at Exhibit-A to the civil application requesting the learned advocate representing the respondent nos.1 to 4 to communicate the names of the legal heirs and representatives of the deceased respondent no.2 to enable the applicants to take steps to bring them on record. There is no reply. There is no affidavit-in-reply filed to this civil application.

4. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clauses (b) and (c). Abatement of appeal against the respondent no.2, if any, is set aside. Amendment to be carried out within two weeks from today. Amended copy of the second appeal shall be served upon all the respondents including the newly added respondents through their learned advocate within one week from the date of carrying out amendment. Civil application is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.