

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 262 OF 2016

IN

CIVIL REVISION APPLICATION NO. 503 OF 2012

Pandurang Tanu Dabholkar & Ors.

...Applicants

Versus

Sakharam Govind Patankar & Ors.

...Respondents

Mr. K.K. Malpathak, for the Applicants.

Mr. B.A. Walimbe, for the Respondents.

CORAM : K.K. TATED, J.

DATE : 27th April 2016

ORDER :

1. Heard learned Counsel for parties. This Application preferred by the original Plaintiffs No. 1 to 5 for setting aside the conditional order dated 1st August 2013 passed by the learned Registrar (Judicial II) by which the Civil Revision Application stands abated against Respondents No. 2 and 3 (in order wrongly stated as Respondents No. 3 and 4).

2. The learned Counsel for the Applicant submits that Respondent No. 1(a) Smt. Kamalabai Sakharam Patankar expired. He submits that her legal heirs are already on record as Respondents No. 1(b), 1(c) and 1(d). He submits that Respondent No. 3 Smt. Manda Krishna Patankar died on 31st March 2009. He submits that her legal heirs are already on record as Respondents No. 4 to 9. He submits that the Applicants may be permitted to show the other Respondents as legal heirs of respective deceased Respondents in the cause title of Civil Revision Application No. 503 of 2012.

3. Learned Counsel for the Applicants submits that the Applicants are ready and willing to take appropriate steps for service on Respondents No. 4 to 11.

4. Considering the submissions made by learned Counsel for the Applicants and averments made in Civil Application, I satisfied that the Applicants have made out the case for allowing this Civil Application. Hence, the following order.

- i) Order dated 1st August 2013 passed by the learned Registrar (Judicial II) is set aside.
- ii) Civil Revision Application is restored on file against Respondents No. 2 and 3 (wrongly stated as

Respondents No. 3 and 4 in order dated 1st August 2013 passed by the learned Registrar (Judicial II)).

- iii) The Applicants are permitted to carry out appropriate amendments in Civil Revision Application by showing Respondents No. 1(b), 1(c) and 1(d) as legal heirs of deceased Respondent No. 1(a).
- iv) The Applicants are permitted to carry out an appropriate amendments in Civil Revision Application No. 503 of 2012 by showing Respondents No. 4 to 9 as legal representatives of deceased Respondent No. 3.
- v) The Applicants to take appropriate steps within twelve weeks from today for service on Respondents No. 4 to 11, failing which Civil Revision Application No. 503 of 2012 shall stand dismissed, without reference back to the Court.
- vi) The Applicants to carry out appropriate amendments in Civil Revision Application No. 503 of 2012 on or before 15th June 2016 and served

amended copy on the Respondents' Advocate.

vii) Liberty granted to the Applicants to carry out appropriate amendments during the course of the day.

viii) Civil Application stands disposed of accordingly.

[K.K. TATED, J.]