

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.201 OF 2016

IN

SECOND APPEAL (STAMP) NO.28586 OF 2015

Shri Eknath Bayaji @ Bayappa Gadkari ...Applicant/Appellant

vs.

Shri Vishnu Bayaji Gadkari & Others ...Respondents

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Mr. S.S. Redekar, for the Applicant.

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CORAM : S.C. GUPTE, J.

DATED : 10 MARCH 2017

P.C. :

. This Civil Application is for condonation of delay of 45 days in filing the present Second Appeal.

2. During the pendency of the application, Respondent No.3 has expired. All his legal heirs are, however, on record. The Applicant is, accordingly, permitted to delete the name of Respondent No.3 from the cause title of the Civil Application, as also the Second Appeal. The Civil Application has been duly served on all Respondents. There is no reply to the Civil Application. The Civil Application is, accordingly, allowed by condoning the delay. Amendment to be carried out within one week. Office shall now number the Second Appeal and place the same on the board of 10 April 2017.

3. Issue notice to the Respondents returnable on 10 April 2017.

The Applicant is also permitted to effect a private service on the Respondents and file an affidavit of service by the next date. The Civil Application is disposed of accordingly.

(S.C. GUPTE, J.)