

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 2156 OF 2014
IN
FIRST APPEAL (ST.) 856 OF 2014

Bipin s/o. Mahadeoprasad Chehria ... Applicant
Vs.
Vasudev K. Chehria & Ors. ... Respondents

WITH
CIVIL APPLICATION No. 1118 OF 2017
IN
FIRST APPEAL (ST.) 856 OF 2014

Smt. Sarita Bipin Chehria & Ors. ... Applicants
Vs.
Vasudev K. Chehria & Ors. ... Respondents

Ms. Devki R. Sahu i/b. Mr. A.M. Saraogi, Advocate for the applicant in CAF/2156/2014.
Mr. Ashwin Tripathi i/b. Mr. S.U. Pandey, Advocate for the applicant in CAF/1118/2017.
Mrs. Mamta Bhoir, Advocate for respondent no. 4/Corporation.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 9th August, 2017.

P.C.:

The learned counsel holding for Advocate S.M. Saraogi, on instructions, submitted that she wants to withdraw Civil Application No. 2156 of 2014. However, at the same time, the learned counsel holding for Advocate S.U. Pandey informs that original appellant Bipin Chehria has expired on 27th February, 2016 leaving behind

proposed appellants, who have filed Civil Application No. 1118 of 2017 in First Appeal for bringing legal heirs on record. Civil Application No. 1118 of 2017 is filed on 24th May, 2016 , i.e., within stipulated period. Hence, Civil Application No. 1118 of 2017 is allowed. The legal heirs of original appellant Bipin Chehria are to be brought on record. The learned counsel for the applicants is directed to make amendment in the Appeal accordingly.

2. Civil Application No. 1118 of 2017 is disposed of.

3. It appears that the suit is filed for declaration in respect of flat No. B-4 situated in the Society/respondent No. 2. Respondent No. 1 is the main contesting party, who is served, however, none present for respondent No. 1. Civil Application No. 2156 of 2014 filed for condonation of delay of 13 days is pending. The Suit is decided on 14th October, 2013 and Appeal is filed on 12th December, 2013. For the reasons mentioned in paragraph nos. 2, 3 and 4 of Civil Application, delay of 13 days is hereby condoned.

4. Civil Application No. 2156 of 2014 is allowed and disposed of accordingly.

5. The learned counsel holding for Advocate S.U. Pandey submitted that the dispute between the appellant and respondent no. 1 is settled amicably and after carrying out the amendment, parties want to file consent terms.

6. Registry is directed to register the Appeal and place it on 23rd August, 2017.

(MRIDULA BHATKAR, J.)