

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

CIVIL APPLICATION NO. 896 OF 2010

IN

REJECTED CASE NO. 359 OF 2007

WITH

CIVIL APPLICATION NO.115 OF 2011

CIVIL APPLICATION (ST) NO.24578 OF 2017

CIVIL APPLICATION NO. 452 OF 2016

CIVIL APPLICATION NO. 897 OF 2010

CIVIL APPLICATION (ST) NO. 24576 OF 2017

CIVIL APPLICATION NO. 1259 OF 2010

Mr.Balu Babn Bhadale and another ... Applicants

Versus

Mr.Dattoba Shankar Bhadale
since deceased through his LR's and others ... Respondents

Mr.A.B. Tajane for the Applicants in all Civil Applications/Appellants.
Mr.Onkar Warange for the Respondent Nos.1-A, 1-B, 2, 3-A, 3-B, 3-C, 3-E .

CORAM : S.J. KATHAWALLA, J.
DATED : 14th SEPTEMBER, 2017

P.C.:

1. The Civil Application No.896 of 2010 is taken out for condonation of delay of 526 days in filing the Second Appeal (St) No. 30291 of 2006. The Civil Application No. 115 of 2011 is taken out to bring the legal heirs of the deceased Respondent No.7

on record and the Civil Application No.452 of 2016 is taken out to bring the legal heirs of the deceased Respondent No.4 on record.

2. The Civil Application No.896 of 2010 is allowed and the delay in filing the Second Appeal (St) No.30291 of 2006 is condoned upon payment of Rs.25,000/- towards costs to the original Plaintiffs. The Civil Application No.115 of 2011 and Civil Application No.452 of 2016 are also allowed and the heirs of the deceased Respondent Nos.7 and 4 respectively shall be brought on record by carrying out necessary amendments within a period of one week from today. The Civil Application Nos.896 of 2010, Civil Application No.115 of 2011 and Civil Application No.452 of 2016 are accordingly disposed off.

3. Since Advocate Mr.Onkar Warange is appearing for the heirs of the Respondent No.3A, the Applicants / Appellants are not required to file any Civil Application to bring the heirs of the deceased Respondent No.3A on record.

4. Stand over to 09.10.2017.

(S.J.KATHAWALLA, J.)