

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

**CIVIL APPLICATION NO.1821 OF 2016
IN
SECOND APPEAL NO.952 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Pradip R. Kadam for the applicant

CORAM : K. K. TATED, J.

DATE : DECEMBER 18, 2017

P.C.:

1. Heard the learned counsel for the Applicant.
2. Though Respondents are duly served, no one appeared on behalf of them when the matter was called out.
3. The learned counsel for the Applicant submits that they preferred the present Civil Application for bringing legal heirs on record of deceased Respondent no.1, Rukmini Pandurang Malgaonkar who died on 15.9.2015. He submits that they learnt about the death of Respondent no.1 in the month of December, 2015 and thereafter immediately they preferred the present Civil Application on 18.1.2016. He submits that for want of knowledge about the death of

Respondent no.1, it remained on their part to take appropriate steps for bringing legal heirs on record. He submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay in the present proceedings. He submits that if delay is not condoned, irreparable loss and injury will be caused to them. He submits that they have good chance of success in the present proceedings.

4. Considering the submissions made by the learned counsel for the Applicant and the reason disclosed in Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order is passed:

- a) Delay in preferring Civil Application is condoned.
- b) Applicant is permitted to bring legal heirs on record of deceased Respondent no.1 in Second Appeal No.952 of 2015 on or before 19.1.2018 failing which the Civil Application shall stand dismissed without further reference to the court.
- c) If amendment is carried out within stipulated time as stated hereinabove, the Applicant is directed to issue notice to the added Respondent in Second Appeal.
- d) Applicant is directed to provide amended copy of Second Appeal to other Respondent

immediately thereafter.

e) Civil Application stands disposed of accordingly.

f) No order as to costs.

(K.K.TATED, J.)