

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

CIVIL APPLICATION NO.1528/2017
IN
SECOND APPEAL NO.712/2003

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. Amit Gharte for the applicant

CORAM : K. K. TATED, J.

DATE : DECEMBER 20, 2017

P.C.:

1. Heard. The learned counsel for the Applicant submits that except Respondent No.6 they already served all the Respondents. He undertakes to file Affidavit of service to that effect on or before 06.01.2018. Same is accepted.

2. This Application is for deleting the name of Appellant No.1 Vithabai Krishna Ekal who died on 14.08.2014 and taking on record the Applicant Nos.1 and 3 as legal heirs of deceased Appellant No.1. He submits that there is delay in making the Civil Application. He submits that for want of knowledge of procedure the delay has been caused. He submits that in the interest of justice this

Hon'ble Court be pleased to condone the delay and allow the Civil Application.

3. Considering the submissions made by the learned counsel for the Applicant and as in spite of service none appeared for the Respondent, following order is passed.

a. Delay in making the Civil Application is condoned.

b. The Applicant is permitted to delete the name of Appellant No.1 from the cause title of the Second Appeal.

c. The Applicant is permitted to carry out amendment by showing the name of Appellant Nos.2 and 3 as legal heirs of deceased Appellant No.1 in the Second Appeal on or before 20.01.2018 failing which the Civil Application shall stand dismissed without further reference to the court.

d. Civil Application stands disposed of accordingly.

JUDGE