

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1428 OF 2013
IN
SECOND APPEAL NO. 163 OF 1989

Union of India and Ors. ... Applicants / Appellants

Versus

Smt. Umarao Kevalchand Bothara and Ors. ... Respondents

Ms. Jyotsna Pandhi for the Applicants / Appellants.
None for the Respondents.

CORAM : S.J. KATHAWALLA, J.
DATED : 21ST JULY, 2017

P.C.:

1. The above Civil Application is taken out by the Applicants / Appellants for the following reliefs :

“(a) That delay of 507 days in filing the above Application be condoned.

(b) That the above Second Appeal be restored to file and the date be fixed for hearing of the above Second Appeal”.

2. All the Respondents, except Respondent Nos. 1F and 3 are served. Respondent Nos. 1F and 3 have passed away.

3. The learned Advocate for the Applicants / Appellants on instructions states that Applicants / Appellants are not aware as to who are the legal heirs of Respondent No. 1F and 3.

4. Since Respondent Nos.1F and 3 have passed away long time back, the above Second Appeal against them has abated. As regards the other Respondents, who are served, the above Civil Application is allowed and the above Second Appeal is restored to file qua the Respondents, except Respondent Nos. 1F and 3.
5. The paper book submitted by the Advocate for the Applicants / Appellants is taken on record.
6. Place the above Second Appeal for hearing and final disposal in normal course. However, a copy of this order alongwith paper book shall be forthwith served on the Respondents by Speed Post / Registered Post AD and / or by hand delivery and an Affidavit proving service shall be filed on the adjourned date.
7. The above Civil Application is accordingly disposed off.

(S.J.KATHAWALLA,J.)