

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

**CIVIL APPLICATION NO.404 OF 2017
WITH
CIVIL APPLICATION NO.769 OF 2016
WITH
CIVIL APPLICATION NO.770 OF 2016
IN
SECOND APPEAL NO.700 OF 1991**

Ankush Balasaheb Bande ... Applicant

In the matter between :

Ankush Balasaheb Bande And Another ... Applicants/
Original Appellants

Versus

Tukaram Shivram Pote
since deceased
1(a) Smt. Savitribai Tukaram Pote
And Others ... Respondents

.....

Mr. N.M. Wable for the Applicants.
Mr. S.S. Kulkarni i/b Satheesh K.R. for Respondent Nos.2 to 7.
Mr. Bhushan Walimbe i/b P.G. Sarda for Respondent Nos.8 and 9.

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CORAM : S.C.GUPTE, J.

DATE : 14 MARCH 2017

P.C. :

Civil Application No.404 of 2017.

. This civil application is for bringing on record the legal heirs of the deceased Respondent No.1(b). Apart from the legal heirs which are sought to be joined as Respondent Nos.1(b)(i) to 1(b)(iii) as mentioned in the

cause title of the civil application, learned Counsel for the Respondents submits that there is one more legal heir, namely, Ashwini Dhananjay Pote, of the deceased Respondent No.1(b), having her address at Room No.22, Dhor Galli, Shaniwar Peth, Pune. The delay in taking out the civil application is condoned and the same is allowed in terms of prayer clause-(c). Ashwini Dhananjay Pote shall be joined as Respondent No.1(b)(iv) as legal heir of the deceased Respondent No.1(b). The abatement of the second appeal against her, is also set aside. The amendment to be carried out forthwith.

Civil Application No.769 of 2016.

2 This civil application is for bringing on record the legal heirs of the deceased Respondent No.1, namely, Respondent Nos.1(c) and 1(d). For the reasons stated in the civil application, the delay is condoned and the civil application is allowed in terms of prayer clause-(c). The amendment to be carried out forthwith.

Civil Application No.770 of 2016.

3 This civil application is for recall of an order passed by this Court on 14 August 2012. By this order, this Court had refused to bring on record the legal heirs of deceased Respondent No.4, holding that the Applicant had failed to show sufficient cause for condonation of delay in bringing the legal heirs on record, resulting in confirmation of abatement of the Second Appeal as against Respondent No.4. Since the present civil application is in the nature of a review application, it will have to go before the same

Learned Judge, who decided Civil Application No.409 of 2012. Learned Counsel for the Applicants/Appellants seeks time.

4 The Second Appeal to come up for further hearing on 21 March 2017.

(S.C. GUPTE, J.)