

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.542 OF 2016
IN
SECOND APPEAL NO.318 OF 2015**

Shri. Tukaram Kondi Sawant & Ors. ...Applicants

Versus

Shri. Shankar Dhondi Sawant & Anr. ...Respondents

Mr. Lahu S. Gaikwad for the Applicants.

None for the Respondents.

CORAM : A. A. SAYED, J.

DATE : 3 NOVEMBER, 2017

P. C.:

1. This Civil Application is taken out by the Applicant for the following reliefs:

a. This Hon'ble Court be pleased to set aside the abatement of present Second Appeal and 1732 days delay may be condoned.

b. That this Hon'ble Court be pleased to allow the applicant to amend the present Second Appeal by adding proposed respondent Nos.1(a) to 1(e) as heirs and legal representative of Respondent No.1.

2. Despite service, none appears on behalf of the Respondents/proposed Respondents.

3. Learned counsel for the Appellants points out that the Application to bring all the heirs on record was made before the Appellate Court and the same was allowed. He states that in the impugned judgment of the Appellate Court, however, the names of the heirs have inadvertently not been reflected, though, in the decree their names are reflected.

4. In these circumstances, without prejudice to the rights and contentions of the Respondent/Proposed Respondent, the Civil Application is allowed in terms of prayer Clauses (a) and (b). Amendment to be carried out within two weeks.

[A. A. SAYED, J.]