

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

**CIVIL APPLICATION NO. 2238 OF 2017
IN
FIRST APPEAL NO. 3280 OF 2006**

Abdulrehman Amin Varunkar
(since deceased) through his legal heirs
Sou. Mumtaz Abdulrehman Varunkar & Ors. ...Applicants

In the Matter Between

Abdulrehman Amin Varunkar & Ors. ...Appellants

Versus

Vinayak Eknath Dushane & Anr. ...Respondents

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Mr.B.A.Lawate for the Applicants.
Ms.Divya Prasad i/b. R.Bhargavan & Associates for Respondent No.2.

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**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: AUGUST 09, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. Learned counsel for the applicants submits that the First Appeal is already admitted. Original appellant no.1 was expired on 15.09.2013. He further submits that appellant nos. 2 to 7, who are the legal heirs of original appellant no.1, are already on record and they are to be considered as the legal heirs of original appellant no. 1.

3. Learned counsel for respondent no.2 opposed this application.
4. In view of the above submission and the reasons mentioned in the Civil Application, the delay of 1206 days is condoned. Civil Application No.2238 of 2017 is allowed in terms of prayer clause (a), (b) and (c).

(MRIDULA BHATKAR, J.)