

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

CIVIL APPLICATION NO.926/2017
IN
SECOND APPEAL NO.406/2007

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. M. M. Sathaye for the Applicant
Mr. Rajesh Parab for Respondent No.2A and 4A.
Mr. Suhas S. Deokar i/b. C. G. Gawanekar for Respondent No.5.

CORAM : K. K. TATED, J.
DATE : DECEMBER 20, 2017

P.C.:

1. Heard. The learned counsel for the Applicant submits that it is not possible for him to prosecute the Civil Application at present for want of instructions from his client.
2. As the Application is pending since May 2016, same stands dismissed for non prosecution.
3. Now, the learned counsel for the Applicant submits that he may be permitted to proceed with the matter. Hence, earlier order is recalled. Matter is taken up for hearing.

4. This Application is for bringing the legal heirs on record of deceased Respondent No.2 Mujjafarali Ahemedali Patel in the Second Appeal.

5. The learned counsel for the legal heirs of deceased Respondent No.2 submits that they have no objection if the Civil Application is allowed by condoning delay in filing the same.

6. Hence, by consent, following order is passed.

a. Abatement is set aside.

b. Delay in making the Civil Application is condoned.

c. The Applicant is permitted to bring on record the legal heirs of deceased Respondent No.2 in the Second Appeal on or before 19.01.2018, failing which the Civil Application shall stand dismissed without further reference to the court.

d. If amendment is carried out within stipulated time as stated hereinabove, the Applicant to serve an amended copy of the Second Appeal on the other side either on the advocate for the legal heirs of Respondent No.2 or the Respondents.

e. Civil Application stands disposed of accordingly.

JUDGE