

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

**CIVIL APPLICATION NO.919 OF 2017
IN
SECOND APPEAL NO.173 OF 2016**

Krishna Bhairu Mane @ Mang
(deceased) and Prakash Krushnaji Mane
and Ors. ... Applicants
versus
Bhiva Vithu Mang (deceased)
and Akkubai Bhiva Mane and Ors. ... Respondents

Mr. Surel Shah, for Appellants/Applicants.
Mr. S.S.Patwardhan with Mr. Bhooshan Mandlik, for Respondent Nos.1A
to 1G and 2.

CORAM: S.J. KATHAWALLA, J.

DATE: 7th JULY, 2017

P.C.:

1. Perused the Civil Application. Respondent Nos. 3(i) to 3(iii) are served. In spite of service none appear for Respondent Nos. 3(i) to 3(iii).
2. In view of the averments in paragraph Nos. 10 to 12 of the Civil Application, the Civil Application is allowed in terms of prayer clauses (a) and (b), which are reproduced hereunder :

"(a) Delay of 1 year, 5 months and 7 days in filing the present Civil Application to bring on record the heirs of deceased Respondent No.3 on record viz. Respondent Nos.3(i) to 3(iii) may kindly be condoned;

(b) After condoning the same, this Hon'ble Court be pleased to allow the Applicants to bring on record the Respondent Nos.3(i) to 3(iii) as the heirs of deceased Respondent No.3 on such terms and conditions as this Hon'ble Court may deem fit and proper;"

3. Amendment to be carried out within one week from today.
4. The Civil Application is disposed of.

(S.J.KATHAWALLA, J.)