

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

**CIVIL APPLICATION NO. 475 OF 2010  
IN  
SECOND APPEAL NO. 455 OF 1999**

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|--------------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders | Court's or Judge's orders |
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Mrs. Priyanka Dave I/by. R. S. Kale for Applicant.  
Mr. S. T. Bhosale I/by. Dilip Bodke for Respondent  
Nos. 1A to 1E and 2A, 2C to 2E in Second Appeal  
No. 455 of 1999.

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**CORAM : K. K. TATED, J.  
DATE : DECEMBER 11, 2017**

**P.C.:**

- . Heard learned Counsel for parties.
2. This Application is for bringing on record the legal heirs of deceased Respondent No.3 – Radhabai Kisan Mane, who died on 12<sup>th</sup> October, 2002 and for condonation of 299 days delay in filing the present Civil Application.
3. Office note shows that Respondent No.3A is duly served by the Bailiff with affixing the Notice. In spite of service, no one appeared on behalf of legal heirs of deceased Respondent No.3.
4. Considering the submission made by the learned Counsel for Applicant and the

averments made in Civil application, I am satisfied that Applicant has made out the case for allowing the Civil Application. Hence, the following order.

ORDER

- (A) Abatement is set-aside.
- (B) Delay in filing the Civil Application is condoned.
- (C) Applicant is permitted to bring on record the legal heirs of Deceased Respondent No.3 in Second Appeal No. 455 of 1999 on or before 12<sup>th</sup> January, 2018, failing which, Civil Application shall stand dismissed without reference back to the Court.
- (D) If amendment is carried out within stipulated time as stated herein above, Applicant to provide the amended copy of Second Appeal to the other side.
- (E) If amendment is carried out within stipulated time as stated herein above, Registry is directed to issue Notice to the added Respondent No. 3A in Second Appeal No. 455 of 1999.
- (F) In addition to usual mode of service, Applicant is permitted to serve the added Respondent No.3A along with copy of Civil Application and Second Appeal along with all annexures either by registered post A.D. and/or by hand delivery and file affidavit of service to that

effect within 12 weeks from the date of carrying out the amendment.

(G) Civil Application stands disposed of accordingly.

**(K.K.TATED, J.)**