

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

**CIVIL APPLICATION NO.1050 OF 2017
IN
SECOND APPEAL NO.460 OF 2014**

Shankar Dehu Raut and Ors. ... Applicants
versus
Budhaji Mahadu Raut and Ors. ... Respondents

Mr. Amol Mhatre with Mr. Dilip Shinde, for Applicants/Appellants
Ms. Vibha Nahar i/by Ms. Anita Bhaktwani, for Respondents.

CORAM: S.J. KATHAWALLA, J.

DATE: 22nd AUGUST, 2017

P.C.:

1. The above Civil Application is taken out by the Advocate for the Applicants to condone the delay of three years and to bring the legal heirs of deceased Respondent No.6 on record. Though the Civil Application is served on the Respondents in July 2017, the Respondents have not filed any Affidavit in Reply opposing the same. Perused the Civil Application. For reasons set out in paragraph Nos.5, 6 and 7 of the Civil Application, the Civil Application is allowed in terms of prayer clauses (a) and (b) which are reproduced hereunder :

“(a) Condone the delay of about 3 years in filing the present Application for bringing legal representative of the Respondent No.6 on record;

(b) Allow the present Application for bringing legal representative

of Respondent No.6 i.e. Applicant Nos.6a to 6c on record and allow the Applicants to carry out the necessary amendments;”

2. Amendments to be carried out within a period of one week from today.

The Civil Application is accordingly disposed off.

3. Place the Second Appeal for Admission on 4th September, 2017. The learned Advocate appearing for the Respondents including the newly added legal heirs of Respondent No.6 waives service.

(S.J.KATHAWALLA, J.)