

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1118 OF 2017
IN
SECOND APPEAL NO. 895 OF 2004

Shri. Ganpati Yadu Pawar
since deceased through his legal heirs and others ... Applicants

Versus

Shri. Shaikh Ibrahim Hasan Mulani and others ... Respondents

Mr.Dilip Bodake for the Applicants/Appellants.

Mr.M.S. Bhandari a/w. Pranjali Bhandari i/b. Suman Jain for the Respondent Nos.1, 3 and 6.

CORAM : S.J. KATHAWALLA, J.
DATED : 1st SEPTEMBER, 2017

P.C.:

1. By the above Civil Application, the Applicants seek to bring the legal heirs of the deceased Appellant No.1 on record.
2. Perused the above Civil Application. For the reasons set out in the above Civil Application, the same is allowed in terms of prayer clauses (a), (b), (c) and (d), which are reproduced as under :-

“(a) This Hon’ble Court be pleased to condone the delay of 1460 days in filing the present Civil Application.

(b) This Hon’ble Court be pleased to condone the delay of 1460 days in setting aside the abatement against the Appellant No.1 if any.

(c) This Hon’ble Court be pleased to set aside the abatement against the Appellant No.1 in the interest of justice.

(d) This Hon'ble Court be pleased to allow the applicants to bring on record the Appellant No.1(A) to 1(F) as heirs and legal representatives of the deceased Appellant No.1 and amend the cause title accordingly.”

3. The Advocate for the Applicants is allowed to amend the cause title and add the names of the heirs who have been missed out.
4. Amendment to be carried out within two weeks from today.
5. The Advocate for the Applicants shall forthwith serve a copy of this order on the Respondents by Speed Post/Registered Post A.D. and/or by hand-delivery and file an Affidavit proving service on the adjourned date.
6. Place the above Second Appeal for directions on 22.09.2017.
7. The above Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)