

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

**CIVIL APPLICATION NO.1579 OF 2017
IN
SECOND APPEAL NO.836 OF 2016**

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.K.P.Mali for the applicant
Mr. for the respondent

**CORAM : K. K. TATED, J.
DATE : DECEMBER 13, 2017**

P.C.:

1. Heard.
2. Though respondent is duly served, no one appeared on behalf of them when the matter was called out.
3. This application is preferred by legal heirs of sole appellant original defendant for joining them as party in the present Second Appeal.
4. The learned counsel for the applicant submits that original defendant filed Second Appeal before this court on 20.4.2016. During the pendency of the present Second Appeal sole appellant expired on 4.6.2017. Hence, legal heirs

preferred the present Civil Application for joining them as party in the present Second Appeal. He submits that Civil Application filed on 15.7.2017 i.e. within limitation.

5. Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as Civil Application is filed within limitation, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

A) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“a). That by an order of this Hon'ble Court the Applicants be permitted to bring themselves on record as heirs and legal representatives of deceased sole Appellate Late Pandurang Ramchandra Jagtap in the present Second Appeal and in Civil Application No. 1650 of 2016 and the Applicants be permitted to carry out necessary amendment in the present Second Appeal and Civil Application No. 1650 of 2016.”

B) Applicant to carry out amendment in Second Appeal and pending Civil Application on or before 19.1.2018, failing which the Civil Application shall stand dismissed without further reference to the court.

C) If amendment is carried out within stipulated time as stated hereinabove, applicant to serve

amended copy of Appeal Memo and Civil Application on other side immediately thereafter.

D) Civil application stands disposed off accordingly.

(K.K.TATED, J.)