

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1709 OF 2017
IN
SECOND APPEAL NO.352 OF 2017

Suresh Dattatray Phadtare, since ...Applicants
deceased thr. Legal Heirs & Ors.

Versus

Prakash Baburao Deshmukh & Ors. ...Respondents

Mr. Saurabh Kurade i/b Vijay Patil for the Applicant.

Mr. P. K. Deshmukh for the Respondent.

CORAM : A. A. SAYED, J.

DATE : 27 NOVEMBER, 2017

P. C.:

1. By this Civil Application the Applicants seeks the following reliefs:

- “(a) This application may kindly be allowed;
- (b) That the delay of 55 in filing the present application, may kindly be condoned in the interest of equity and justice;
- (c) This Hon'ble Court be pleased to allow substituting the name of the Original Appellant No.4 -

Suresh Dattatray Phadtare with his heirs and legal representative being the Applicant No.1A to 1D mentioned in the cause title of this Application;

(d) This Hon'ble Court be pleased to delete the Appellant nos. 1A to 1E, 2 and 3 from the array of the parties in furtherance of the order dated 10.09.2012;

(e) Any other Order and further relief to which the Applicants may be deemed entitled to be kindly granted in favour of the Applicants;"

2. Learned Counsel for the Applicant has pointed out the order dated 10th September 2017, wherein it is recorded that there is a settlement between the legal heirs of Appellant No.1 i.e. 1A to 1E and Appellant No.2 and 3 and the Appeal is not pressed against them.

3. The Civil Application is allowed in terms of prayer Clauses (b), (c) and (d). Amendment to be carried out within a period of two weeks.

4. Civil Application to stand disposed of accordingly.

[A. A. SAYED, J.]