

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

**CIVIL APPLICATION NO.742 OF 2016
IN
CIVIL REVISION APPLICATION NO.142 OF 2009**

**Gajanan Vishnu Bhagat
since deceased through LRs
Anil Gajanan Bhagat and ors. : Applicants.**

**In the matter between
Gajanan Vishnu Bhagat and ors. : Applicant
versus
Kantilal Lalchand Rathod and ors. : Respondents.**

**Mr. Hemant Ghadigaonkar for the Applicants.
Mr. Yuvraj Gharal i/by Mr. Vijay Killedar for the Respondent No.6.**

**CORAM : R. M. SAVANT, J.
DATE : 03rd APRIL 2017**

P.C.

1 The above Civil Application has been filed for bringing the heirs of the sole Applicant on record and for condonation of delay of 2 years and 248 days in filing the Civil Application. The reasons for the delay are mentioned in paragraphs 5 and 6 of the Civil Application. The above Civil Revision Application has been admitted and is pending hearing and final disposal.

2 The learned counsel appearing for the Respondent No.6 opposes the above Civil Application but ultimately leaves it to this Court.

3 Having regard to the reason that the Applicants were not aware of

the proceedings filed by their father, in my view, it would be just and proper to allow the above Civil Application and permit the Applicants to come on record in place of their deceased father i.e. the original Plaintiff. The above Civil Application is accordingly allowed. Resultantly, the heirs of the sole Applicant are allowed to be brought on record. Amendment to be carried out within two weeks from date. The Applicants to deposit costs of Rs.2,000/- with the Kirtikar Law Library, High Court, Bombay and file receipt of the same in the proceedings. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]