

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

**CIVIL APPLICATION NO. 1525 OF 2016**

**IN**

**SECOND APPEAL NO. 479 OF 2008**

Eknath Kisan Undre & Ors.

...Applicants

vs.

Shri Gulab Ramchandra Undre & Ors.

...Respondents

Mr.Drupad S. Patil for Applicants.

Mr.Rushabh Sheth I/b.M.S. Bodhanwalla & Co. for Respondent Nos.1 and 2.

**CORAM : S.C. GUPTE, J.**

**1 FEBRUARY 2017**

**P.C.:**

Heard learned Counsel for the parties.

2           This civil application seeks an order for bringing on record legal heirs of deceased Appellant No.5. There is a delay of 223 days in filing the present civil application. The delay is explained in paragraphs 6 and 7 of the application.

3           Learned Counsel for Respondent Nos.1 and 2 opposes the application.

4           For the reasons stated in the civil application, the delay is condoned and the abatement against the legal heirs of deceased Appellant No.5 is set aside and the Applicants are allowed to bring on record legal heirs of deceased Appellant No.5. Amendment shall be

carried out within two weeks from today.

5           The application is disposed of.

**(S.C. GUPTE, J.)**