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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.292 OF 2016
WITH
CIVIL APPLICATION NO.1438 OF 2016
WITH
CIVIL APPLICATION NO.293 OF 2016
WITH
CIVIL APPLICATION NO.1439 OF 2016
IN
SECOND APPEAL NO.1439 OF 1998

Murlidhar Shankar Pednekar (since deceased) through LRs.

1. Ashalata Murlidhar Pednekar & Ors.
 V/s.

..Applicants.

Sadashiv Anant Vaze & Ors.

..Respondents.

Mr.Rajendra K.Yadav for the applicants.

None for the respondents.

CORAM: NITIN W.SAMBRE, J.

DATE : DECEMBER 4, 2017

PC.:-

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This application is taken out by the applicants for bringing the legal heirs of appellant No.1 on record. A delay of 472 days has been caused in taking out the application. Appellant Nos.2 to 5 are claiming to be the legal heirs of appellant No.1.

2. In view of the fact that the legal heirs of appellant No.1 i.e. appellant Nos.2 to 5 are already on record, the right to sue in place of appellant No.1 survives.

3. In view thereof, the application filed by the applicants is allowed. The applicants to carry out the appropriate amendment in the cause title showing appellant Nos.2 to 5 as the heirs of the appellant No.1.

4. If the applicants fail to carry out the appropriate amendment, the civil application for bringing the legal heirs on record shall deemed to be dismissed without further reference to the Court.

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5. Office objections in respect of respondent No.7 is overruled for the reason that name of respondent No.7 was already deleted from the array of respondents.

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6. For the reasons disclosed in the civil application, the abatement order is set aside.

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7. As respondent No.7 is already deleted from the array of the respondents, in the Second Appeal, the civil application no more survives and stands disposed of.

8. Liberty to the parties to take out proceedings for the final hearing of the matter after February, 2018.

(NITIN W.SAMBRE, J.)