

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

**CIVIL APPLICATION NO.1238 OF 2017
IN
SECOND APPEAL NO.863 OF 2015**

Nandatai Subhash Kurud and Ors. ... Applicants
versus
Rukmini Vithal Zugar and Ors. ... Respondents

Mr. Chetan Patil, for Appellants and Applicants.
Mr. Y.B.Lengare i/by Mr. Manoj Patil, for legal heirs of Respondent No.1.

CORAM: S.J. KATHAWALLA, J.

DATE: 4TH SEPTEMBER, 2017

P.C.:

1. Perused the Civil Application. For reasons set out in the Civil Application, the Civil Application is allowed in terms of prayer clauses (a) and (b) which are reproduced hereunder :

“(a) that this Hon’ble Court be pleased to condone the delay of 279 days occurred in bringing the heirs and legal representatives of deceased Respondent No.1 on record and further be pleased to set aside the abatement of the present Second Appeal as against Respondent No.1;

(b) That this Hon’ble Court be pleased to allow the Applicants to bring the heirs and legal representatives of deceased Respondent No.1 on record and suitably amend the cause title of the present Second Appeal by bringing on records the heirs and legal

representatives of original Respondent No.1 i.e. Respondent Nos.1A to 1E to the present Civil Application;”

2. Amendment to be carried out on or before 8th September, 2017. The Civil Application is disposed of.

3. The learned Advocate for the newly added Respondents waives service. Place the Second Appeal for Admission on 11th September, 2017.

(S.J.KATHAWALLA, J.)