

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

**CIVIL APPLICATION NO.1838 OF 2017
IN
SECOND APPEAL NO.123 OF 2002**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Sarthak Diwan i/b Mr.A.M.Kulkarni for the applicant

None for the respondent

CORAM : K. K. TATED, J.

DATE : DECEMBER 13, 2017

P.C.:

1. Heard.
2. None for the respondent though duly served.
3. This application is preferred by appellant for bringing legal heirs on record of deceased appellant no.3 Dattatraya Mahadeo Khatke who died on 8.10.2012.
4. Considering the submissions made by the learned counsel for the Applicant and the reason disclosed in paragraph 4 of the Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

A) Civil Application is allowed in terms of prayer clause (b), (c) and (d) which reads thus:

*“(b) To condone the delay of 250 days occurred in filing the present Civil Application;
(c) To recall the order of abatement, if any;
(d) To bring on record the appellant No.3A & 3B as the legal representatives of the appellant No.3 and to permit the Applicants to amend the record of the Appeal accordingly.”*

B) Applicant to carry out amendment on or before 25.1.2018, failing which the Civil Application shall stand dismissed without further reference to the court.

C) If amendment is carried out within stipulated time as stated hereinabove, applicant to serve amended copy of Second Appeal on other side immediately thereafter.

D) Civil application stands disposed off accordingly.

(K.K.TATED, J.)