

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

CIVIL APPLICATION NO.988/2017
IN
SECOND APPEAL NO.731/1995

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. P. K. Hushing for the applicant
Mrs. Savita A. Prabhune for respondent Nos.1, 2A-1, 2/C, 2/D, 2B, 3A to 3(J).

CORAM : K. K. TATED, J.
DATE : DECEMBER 20, 2017

RC.:

1. Heard. This application is for bringing legal heirs on record of deceased Respondent No.1 Malharrao Tukaram Aherkar, who died on 17.02.2016.

2. Though the legal heirs of deceased Respondent No.1 are duly served, none appeared for them.

3. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4. Hence, following order is passed:
 - a. Abatement is set aside.
 - b. Delay in making the Civil Application is condoned.
 - c. The Applicant is permitted to bring on record the legal heirs of deceased Respondent No.1 in the Second Appeal on or before 19.01.2018, failing which the Civil Application shall stand dismissed without further reference to the court.
 - d. If amendment is carried out within stipulated time as stated hereinabove, the Registry is directed to issue notice to the added Respondent in the Second Appeal.
 - e. In addition to usual mode of service, the Applicant is permitted to serve the legal heirs of deceased Respondent along with entire proceedings by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect.
 - f. Civil application stands disposed off accordingly.

JUDGE