

nsc.

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

***CIVIL APPLICATION NO.1505 OF 2017
IN
SECOND APPEAL NO.449 OF 2011***

Maruti Vishnu Langute and Ors. ...Applicants

Versus

Parubai Gangaram Langute and Ors. ...Respondents

Mr.Dilip Bodake, for the Applicants.

Mr.Manjiri Parasnis, for the Respondent Nos.1 to 4.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th OCTOBER, 2017

P.C. :

1. At the outset, learned counsel for the applicants seeks leave to amend the application. Leave granted. Amendment to be carried out forthwith.

2. Heard learned counsel for the applicants.
3. By this application, the Applicants seek (i) condonation of delay of 7 days in filing the aforesaid Civil Application; (ii) for setting aside the abatement against the deceased Respondent No.4; and (iii) for permission to bring on record the legal heirs of respondent no.4 i.e. respondent nos.4A to 4C as heirs and legal representatives of the deceased respondent no.4 and subsequently to amend the cause title in Second Appeal.
4. Learned Counsel for the Respondent Nos.1 to 4 states that the respondent nos.1 to 4 have no objection, if the delay is condoned and the heirs of respondent no.4 are brought on record and the order of abatement is set aside.
5. Accordingly, for the reasons set out in the application, the application is allowed in terms of prayer clauses (a), (b) and (c).

6. Necessary amendment be carried out in the Second Appeal, within 4 weeks from today. Thereafter, office to issue fresh notices to Respondent Nos.4A to 4C in Second Appeal, returnable on 24th November, 2017.

(REVATI MOHITE DERE, J.)