

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

**CIVIL APPLICATION NO.206 OF 2016
IN
SECOND APPEAL NO.133 OF 2016
WITH
SECOND APPEAL NO.133 OF 2016
WITH
CIVIL APPLICATION NO.207 OF 2016**

Shri Shripati Tukaram Patil
deceased through legal heirs
a. Smt. Savitribai Shripati Patil
And Others

... Appellants

Versus

Shri Prabhakar Shripatrao Nale
And Others

... Respondents

.....

Mr. P.S. Dani, Senior Advocate i/b Abhijit M. Adagule for the
Appellants/Applicants.

None for the Respondents.

.....

CORAM : S.C.GUPTE, J.

DATE : 16 JANUARY 2017

P.C. :

. Heard learned Counsel for the Appellants/Applicants.

2 This second appeal is filed through legal heirs and representatives of the deceased original Appellant before the First Appellate Court. Civil Application No.206 of 2016 is duly served on the Respondents. The Respondents are absent despite service. For the reasons stated in the civil application, it is allowed in terms of prayer clause (c) and the Applicants

are permitted to prosecute the second appeal as legal heirs of deceased Appellant Shripati Tukaram Patil. The application is disposed of accordingly.

2 The Applicants shall serve the copy of this order on the Respondents alongwith the intimation of the next date of hearing of the Second Appeal. The second appeal is stood over to **30 January 2017** for admission.

(S.C. GUPTE, J.)