

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application Nos 249 & 250 both of 2017
IN
Second Appeal No. 43 of 2000
[Dilawarkha Pyarmohammad Musalman (dead) through L.Rs. Vs. Sheshrao Govind Mankar]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Ms. R. D. Raskar, Adv., for the applicants.
Mr. M. R. Joharapurkar, Adv., for respondent.

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CORAM : A. S. CHANDURKAR, J.

DATE : 19th December, 2017

By these applications, it is prayed that the delay in bringing on record legal heirs of the sole respondent be condoned and they be permitted to be brought on record.

It is submitted that the said respondent expired on 16th November, 2006; but the appellants did not have any knowledge about the same. A Pursis in that regard was filed in the year 2010. Despite efforts, the applicants could not trace out the legal heirs of the deceased respondent. Hence, they filed another application praying that directions be issued to supply the names of the legal heirs. Pursuant thereto, names of the legal heirs were supplied on 9th January, 2017. On that basis, present applications came to be moved.

Though the prayers as made are opposed by the legal heirs of the sole respondent, considering fact that despite efforts and giving of a public notice on 22nd July, 2016, there was no response on the part of said legal heirs, the applications deserve to be allowed. Same would enable adjudication on merits of the matter.

Accordingly, for reasons stated in the applications, the same are allowed. After condoning the delay, the legal heirs are permitted to be brought on record. Amendment be carried out within a period of one week from today.

Applications are disposed of.

As per Pursis dated 15th December, 2017, the names of the legal heirs are permitted to be corrected.

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Second Appeal No. 43 of 2000:

Shri M. R. Joharapurkar, learned counsel, waives notice on behalf of legal heirs of sole respondent.

Put up for hearing in the week commencing 8th January, 2018.

Judge

