

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAC] No.5 of 2017
IN
Civil Revision Appln. No. 19 of 2016
[Smt. Asha Sudesh Banthia Vs. Smt. Ratnakumari K. Ramu & others]

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

Court's or Judge's orders

Ms. Roshni Jaiswal, Adv., for the applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 20th March, 2017

By this application, the applicant prays that as the respondent no.6 has not been served on account of her death and despite attempts made to obtain the details of her legal representatives, the same have not been received, the proceedings be permitted to be carried on in her absence. It is stated that before the trial Court, the respondent no.6 was proceeded ex parte and, therefore, the course prescribed by provisions of Order-XXII, Rule 4 of Civil Procedure Code, 1908 may be followed.

Perused contents of the application. The judgment of the trial Court indicates that the respondent no.6 was proceeded ex parte. It is reported that respondent no.6 has expired and names of her legal heirs are not available.

In view of aforesaid, the application is allowed in terms of provisions of Order-XXII, Rule 4 of the Code. Name of respondent no.6 is permitted to be deleted in the aforesaid circumstances. Amendment be carried out within a period of one week.

Civil Application is disposed of.

Judge

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