

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 907 OF 2018

IN

FIRST APPEAL NO. 1620 OF 2007

Kolhapur Municipal Corproation

and Another

..Applicants

Vs.

Shri Pundalik B. Ingale

..Respondent

Mrs. Sukhman Rait I/b S. S. Patwardhan, for the Applicants.

CORAM:-K. K. TATED & B. P. COLABAWALLA,JJ.

DATE :- AUGUST 13, 2018.

P. C.:

Heard. Though the Respondents are duly served, no one appeared on behalf of them when the matter was called out.

2 By this Civil Application, the Applicants are praying to bring legal heir on record of deceased Pundalik Bahirjee who died on 20th November, 2017.

3 Considering the submissions made by the learned counsel for the Applicants and averments made in the Civil Application, we are satisfied that the Applicants have made out a case for allowing the Civil Application as under:-

- a) Delay in filing the Civil Application is condoned.
- b) The Applicants are permitted to bring the legal heir of deceased Respondent Pundalik Bahirjee in First Appeal No. 1620 of 2017 within six weeks from today failing which the Civil Application shall stand dismissed without further reference to court.
- c) If amendment is carried out within stipulated time as stated hereinabove, the Registry is directed to issue notice to the added Respondents in First Appeal No. 1620 of 2017.
- d) In addition to usual mode of service, the Applicants are permitted to serve the 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 within 16 weeks from today.
- e) Civil Application stands disposed of accordingly.

(B. P. COLABAWALLA, J.)

(K. K. TATED, J.)