

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

**CIVIL APPLICATION NO. 2747 OF 2018
IN
FIRST APPEAL (ST.) NO. 9696 OF 2017**

The Municipal Corporation of Gr. Mumbai ... Applicant/Appellant
V/s.
Parvatibai Kashinath Salunkhe
Through her constituted attorney
Mr. Sudhakar Kashinath Salunkhe
(since deceased) & Ors. ... Respondents

Ms. Manisha Bhoir for the Applicant/Appellant.
Ms. Vaibhavi Pawar i/b Mr. Suraj Kudalkar for Respondents.

CORAM : K.K. SONAWANE, J.

DATE : 9th AUGUST, 2018.

P.C. :

1 Heard learned Counsel for the applicant-Municipal Corporation and the learned Counsel for the Respondents. The present application has been filed to bring the legal heirs of deceased Respondent No.1(c) who has died pending original proceeding of L.C. Suit No.4518 of 2006. The applicant-Municipal Corporation is intended to prefer appeal against the impugned judgment and decree passed by the learned Trial Court dated 05.11.2012 but there is a delay in presenting the appeal. The applicant-Municipal Corporation has made an application for condonation of delay.

Pending the Application, the alleged Respondent No.1(c) passed away. The applicant is intending to bring his legal heirs on record. Therefore, the applicant moved the present application. Learned Counsel for the Respondent has no objection to bring the legal heirs of Respondent No.1(c) on record.

2 Accordingly, application stands allowed in terms of prayer clauses (a) and (b). The legal heirs of the deceased Respondent 1(c) are permitted to be substituted as Respondent in place of deceased Respondent No.1(c) in the present application for condonation of delay for presenting appeal. The delay cause to bring the legal heirs on record is hereby condoned and the abatement of proceeding if any, is hereby set aside and quashed. The applicant-Municipal Corporation is permitted to bring legal heirs of deceased Respondent No.1(c) on record and shall carry out the requisite amendment within a period of two weeks. Accordingly, the Civil Application stands disposed of in above terms.

Waishali
Sushil
Waghmare

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(K.K. SONAWANE, J.)