

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

**CIVIL APPLICATION NO. 902 OF 2016
IN
SECOND APPEAL NO. 542 OF 2006**

Chandrakant Ramdas Mhatre			
(Since deceased) Through LR.s. & Ors.	...		Applicants
V/s.			
Kamalabai Tukaram Naik & Anr.	...		Respondents

- Mr.Ravi P. Kadam for the Applicants.
- Mr.Rajdeep D. Gude i/b. M/s.Khandeparkar & Associates for Respondent No.2.

**CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.
DATE : 28th JUNE, 2018.**

P.C. :

1] It is pointed out that the Appellant No.2-Suresh Ramdas Mhatre has expired during the pendency of the First Appeal, which was filed by the Respondent in the District Court. However, during the pendency of that First Appeal, the legal heirs for Appellant No.2 were not brought on record and hence, there is delay.

2] Considering the above submission, the delay caused in preferring in filing the present Civil Application is condoned. The abatement is set-aside. The Applicant-Appellant to carryout necessary amendment to bring on record the names of the Applicant Nos.2(A) and 2(B), the legal heirs of deceased Appellant No.2. The amendment to be carried out within two weeks.

3] The Civil Application is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]