

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

**CIVIL APPLICATION NO. 2235 OF 2017
IN
WRIT PETITION No. 1843 OF 2015**

Mr. Sundar Gulab Kachrawat & Anr. ...Applicants

Versus

Mr.Ramdas Hiranman Ambekar & Ors. ...Respondents

.....
Mr.Abhijit P. Kulkarni for the Applicants.

Mr. B.G.Ligade i/b. Mr. Drupad Patil for Respondent No.1.
.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JUNE 14, 2018**

P.C. :

1. This Civil Application is moved for bringing on record the legal heirs of deceased respondent no.5 i.e., defendant no. 6 - Smt. Lilawati Sadashiv Modak.

2. The learned Counsel for the applicants submits that the applicants are the original defendant nos. 1 and 2 in the suit. Respondent no.1 is original plaintiff and he is main contesting party in this matter. He further submits that this Civil Application is filed by the applicants for bringing on record the legal heirs of respondent no.5 and for setting aside the conditional order dated

10th March, 2016 passed by Registrar (Judicial-I). There is a delay of 2 years and 221 days in filing the present Civil Application. He further submits that by order dated 10th March, 2016, the Petition was abated against deceased respondent no. 5. Hence, he prays that the delay be condoned and the conditional order dated 10th March, 2016 passed by Registrar (Judicial-I) be set aside.

3. In view of the above submission, notice is required to the legal heirs of respondent no.5. The conditional order dated 10th March, 2016 passed by Registrar (Judicial-I) is hereby set aside. Delay is condoned. The legal heirs of the deceased respondent no. 5 are to be brought on record. Amendment is to be carried out within a period of two weeks.

4. Civil Application is allowed and is accordingly disposed of.

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5. Issue notice to the proposed respondent nos. 5a. to 5f., returnable on 14th August, 2018.

6. Place this Writ Petition on board on 14th August, 2018.

(MRIDULA BHATKAR, J.)