

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

**SECOND APPEAL NO.857 OF 2001
WITH
CIVIL APPLICATION NO.1028 OF 2001
AND
CIVIL APPLICATION NO.710 OF 2002
AND
CIVIL APPLICATION NO.901 OF 2018**

Shri Kailas Pargu Ainkar ..Appellant

vs.

Ananta Narayan Ainkar and Ors. ...Respondents

Mr.Jay Vora i/b Mr.Piyush Shah for the Appellant/Applicant .
Ms.Gauri Godse for the Respondent Nos.1,3 and 4.

**CORAM : A. M. DHAVALA, J.
DATE : 23rd AUGUST, 2018.**

P.C.:

. This is a suit for perpetual injunction against 4 Respondents. Respondent No.2 has died in April'2015 and there was intimation about his death in September 2015. Application is moved for bringing legal heirs on record. The application is moved belatedly. Hence, it is opposed. Considering the nature of the proceedings there will be no abatement. If the appellant has apprehension against legal heirs they can be joined as parties. Appeal against remaining Respondents does not abate. Hence Civil Application No.901/2018 is allowed and disposed of. Legal heirs be brought on record. Amendment be carried out within a period of one week from today. Advocate for the Appellant assures to carry out amendment and supply copy thereof to the legal heirs. Learned counsel for the Respondent waives service for the proposed legal heirs.

Rajeshwari
Subodh
Karve

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by Rajeshwari
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2018.08.24
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(A. M. DHAVALA, J.)