

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 1654 OF 2017
IN
SECOND APPEAL NO. 958 OF 2015**

Gokulabai Babasaheb Shinde ...Applicant

IN THE MATTER BETWEEN

Gokulabai Babasaheb Shinde ...Appellant

Versus

Shalan Janardhan Patil & Ors. ...Respondents

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Mr. R.A.Naik i/b. Mr. Umesh R. Mankapure for the Applicant.
Mr.Gaurav Sharma i/b. Mr. Ashutosh M. Kulkarni for Respondent
Nos. 1, 8 to 10.

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CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **MARCH 01, 2018**

P.C.:

1. This Civil Application is moved for deletion of the names of respondent nos. 3 and 4 from the cause title of the Second Appeal and Civil Application.

2. The learned Counsel for the applicant submits that the names of respondent no. 3 – Kundlik Anna Patil and respondent no. 4 – Madhusudan Pandharinath Thombre be deleted from the cause title of the Second Appeal and Civil Application. He further submits that the Second Appeal was abated against respondent no. 8- Sau. Nandadevi Bharat Shirke on 18th April, 2017, as the applicant could not serve her. He further submits that the address of respondent no. 8 was old and now, the new address is furnished and, therefore, the applicant be allowed to serve respondent no. 8 on her new address. He further submits that there is a delay of 1 year and 121 days in filing the present Civil Application and, therefore, he prays that the delay be condoned.

3. The learned Counsel for respondent nos. 1 and 8 to 10 submits to the order of this Court.

4. In view of the above submission and the reasons mentioned in the Application, Civil Application is allowed in terms of prayer clause (a) and (b). Delay is condoned.

5. The applicant is directed to serve notice on respondent no. 8 on her new address.

(MRIDULA BHATKAR, J.)