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

**CIVIL APPLICATION NO.300 OF 2017
IN
CROSS OBJECTION (ST) NO. 13982 OF 2017
IN
SECOND APPEAL NO.1112 OF 2006**

Sograbai Hussain	...	Applicant.
V/s.		
Prakash Shah and ors	...	Respondents

Mr. Sanjay S. Patil, for applicant.
Mr. Mithun Mahajan I/by Anilkumar Patil, for
respondent No.1.
Mr. S.R. Waghmare for respondent Nos. 3A to 3I.
Mr. Hitesh Vyas for respondent No. 4 to 8.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J

DATE : 19th JUNE, 2018.

P.C. :

1] This application is filed to bring on record the legal heirs of
respondent No.3, who has died in the year 2008.

2] Application is filed by respondent No.1, who has filed cross
objection in this appeal. It is pointed out that appellant and
respondent No.3 had also made submission before this Court on 3rd
February, 2017 that they have no objection if the appeal is allowed to
be abated against respondent No.3, and accordingly appeal stood
abated against respondent No.3.

3] The submission of learned counsel for appellant and respondent No.1 is that now taking advantage of the abatement, the heirs of respondent No.3 has sold out the property to respondent Nos. 4 to 8 and hence it has become necessary to bring the legal heirs of respondent No.3 on record.

4] The notice of this application has already been served on the legal heirs and they are appearing through advocate.

5] In view thereof, this application is allowed.

6] The abatement against respondent No.3 in the Cross Objection is set aside.

7] The applicant/respondent No.1 to carry out necessary amendment in the Cross Objection to bring the legal heirs of respondent No.3 on record.

8] The said amendment to be carried out within two weeks from today and copy thereof be served on the legal heirs of respondent No.3.

9] Stand over to 16.07.2018.

[DR.SHALINI PHANSALKAR-JOSHI, J.]