

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

**CIVIL APPLICATION NO. 418 OF 2018
IN
SECOND APPEAL NO. 1397 OF 2005**

Shri. Dada Tukaram Shewale & Anr. ...Applicants

Versus

Smt. Revubai Genu Shewale & Ors. ...Respondents

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Mr.Sandeep Salunkhe for the Applicants.

Mr. Rahul Shinde I/b. Mr.Venkatesh A.Shastry for Respondent
No.3

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**CORAM : A. M. DHAVAL, J.
DATE : AUGUST 29, 2018**

PC :-

1. Learned advocate for the applicants submits that respondent No.2 expired on 25th February, 2014. The earlier advocate for the respondents informed to the earlier advocate for the applicants on 28th January, 2015 about the death of respondent No.2. The earlier advocate has not informed the applicants and, therefore, the legal heirs of respondent No.2 could not be brought on record within time.

2. In view of the above submissions, the delay of 2 years and 191 days is condoned, subject to payment of cost of Rs. 3000/- to the respondents within a period of six weeks from today. The legal heirs of respondent No.2 are to be brought on record, amendment is to be carried out within a period of six weeks from today. Civil Application is allowed in terms of prayer clause (a) and (b).

3. Learned advocate for respondent No.3 waives service for the legal heirs of respondent No.2 i.e., the proposed respondents.

[A. M. DHAVALE, J.]