

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 86 OF 2015
IN
SECOND APPEAL NO. 13 OF 2011

Nivrutti Thaku Malghe
(since deceased through his legal heirs)
Santosh Nivrutti Malghe & Ors. ...Applicants

Versus

Namdeo Chima Malghe
(since deceased through his legal heirs) & Ors. ...Respondents

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Ms. Sheetal M. Ubale I/b. Mr. R.V.Bansode for the Applicants.

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

P.C.:

1. This Application is moved for brining on record respondent nos. 1 (a) to 1 (g) as the legal heirs of the deceased respondent no.1- Namdeo Chima Malghe and respondent nos. 1 (c) (i) to 1 (c) (iii) as the legal heirs of the deceased respondent no.1 (c)- Babanrao Namdeo Malghe and also for quashing and setting aside the abatement order passed against respondent nos. 1 and 1(c). She

further submits that there is a delay of 289 days in filing Application for bringing legal heirs on record.

2. The learned Counsel for the applicants submits that the notices are served on the respondents. She prays that the legal heirs of respondent nos. 1 and 1 (c) be brought on record and the order of abatement passed against the deceased respondent nos. 1 and 1 (c) be quashed and set aside. She further prays that the delay of 289 days be condoned.

3. None appears for the respondents. For the reasons mentioned in the Civil Application, Civil Application is allowed in terms of prayer clauses (a), (b), (c) and (d). Amendment to that effect is to be carried out within a period of four weeks from today.

(MRIDULA BHATKAR, J.)