

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

**CIVIL APPLICATION NO.495 OF 2018
IN
FIRST APPEAL NO.819 OF 2013**

Pune Mumbai Reality Pvt. Ltd.
Through Authorized Representative
Viresh Shashikant Parekh .. Applicant

V/s.

Indumati Nivrutti Raikar and Ors. .. Respondents

Ms.Shaba N. Khan I/b Mr.R.V.Govilkar for the applicant

Mr.Yatin Malvankar with Mr.Ajinkya Udane i/b Mr.S.B.Deshmukh for
the respondent nos.2 to 4

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : AUGUST 6, 2018

P.C. :

- 1 Heard the learned counsel for the parties.
- 2 Though legal heirs of deceased Respondent no.8 are duly served,
no one appeared on behalf of them when the matter was called out.
- 3 Considering the submissions made by the learned counsel for the
Applicant and the averments made in the Application, we are satisfied
that the Applicant has made out a case for allowing the present Civil

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Application. Hence, following order:

- a) Abatement is set aside.
- b) Delay in filing Civil Application is condoned.
- c) Applicant is permitted to bring legal heirs on record of deceased Respondent no.8, in First Appeal No.819 of 2013 within six weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.
- d) If amendment is carried out within stipulated time as stated hereinabove, Registry is directed to issue notice to the added Respondent in First Appeal No.819 of 2013.
- e) Applicant is permitted to serve amended copy of Appeal Memo on other side immediately thereafter.
- f) Applicant is directed to serve added Respondents by private notice either by Registered Post A/D and/or by hand delivery with entire proceeding and file affidavit of service within 16 weeks.
- g) Civil application stands disposed off accordingly.
- h) No order as to costs.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)