

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.494/2018
IN
FIRST APPEAL NO.819/2013

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Kunal Navade i/b. R. V. Govilkar for the Applicant

Mr. Tanaji Mhatugade i/b. S. B. Deshmukh for Respondent Nos.2 to 4.

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : FEBRUARY 7, 2018

P.C.:

1. Heard. This application is for bringing legal heirs on record of deceased Respondent No.1 Indumati Nivrutti Raikar who expired on 12.06.2017. There is delay in making the Civil Application.

2. Adv. Mhatugade states that he received instructions to appear on behalf of the legal heirs of deceased Respondent No.1. He accepts service.

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 Application.

4. Hence, the following order:

- a) Abatement is set aside.
- b) Delay in making the Civil Application is condoned.
- c) The Applicant is permitted to bring the legal heirs of deceased Respondent No.1 on record in First Appeal within three 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, the Applicant is directed to serve an amended copy of the First Appeal on the Advocate for the other side, immediately thereafter.
- e) The learned counsel for the legal heirs of deceased Respondent No.1 waives service in the First Appeal.
- f) Civil application stands disposed off accordingly.

(SARANG V. KOTWAL,J.)

(K.K.TATED,J.)