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

**CIVIL APPLICATION NO.174 OF 2018
IN
WRIT PETITION NO.5370 OF 2017**

Manjusha Rajendra More and ors ... Applicants

In the matter between

Manjusha Rajendra More and ors ... Petitioners.

V/s.

Hemant Dhondiba Bhalekar
and ors ... Respondents

Mr. G. S. Godbole i/by Ketaki Gadkari a/w Shivani S.
Samel, for the Applicants.

Mr. Rishikesh C. Barge, for the Respondent Nos. 10, 13 to
15.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 7th MARCH, 2018.

P.C. :

1] Heard learned counsel for the Applicants and learned
counsel for respondent Nos. 10, 13 to 15.

2] This application is taken out for setting aside the
abetment of the Petition against Respondent No.11 and for
condonation of delay in filing this application.

3] It is submitted by learned counsel for applicants that

applicants have issued notice dated 09.11.2017 to the Advocate for Respondent Nos. 11 and 12, requesting him to furnish the copy of death certificate of deceased respondent No.11 and complete details of his legal heirs, if any. But till today, notice is not replied.

4] Today none appears for respondent Nos. 11 and 12. According to learned counsel for applicants, respondent No.12 is the only legal heir of respondent No.11 and therefore, application be allowed .

5] For the reasons stated in the application, it is allowed. The delay in filing application is condoned. The abetment is set set aside. The applicant to carry out necessary amendment in the cause title by bringing the name of respondent No.12 as legal heir of respondent No.11.

[DR.SHALINI PHANSALKAR-JOSHI, J.]