

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

CIVIL APPLICATION NO.1547 OF 2018

IN

FIRST APPEAL NO.1635 OF 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.Satyajeet Anil Rajeshirket for the applicant

Mr.A.R.Patil, A.G.P. for the respondent

CORAM : K. K. TATED, J

DATE : JULY 1, 2019

P.C.:

. Heard.

2 By this Civil Application, Applicant legal heir of sole appellant seeks permission to carry out appropriate amendment in First Appeal showing them as appellant.

3 The learned counsel for the Applicant submits that sole appellant died on 28.10.2015. He submits that for want of knowledge, it remained on their part to file Civil Application within time. He submits that they have good chance of success in the

present proceedings. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing Civil Application and allow the Applicant to carry out appropriate amendment in cause title in the First Appeal showing them as appellant.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

A) Civil Application is allowed in terms of prayer clause (a) and (b) which reads thus:

“(a) This Hon’ble court may be pleased to condone the delay of 1 year 305 days in filing this application for bringing legal heirs of original petitioner no.1 Appayya @ Appasaheb Balu @ Balappa Bagi.

(b) This Hon’ble court may be pleased to set aside order of abatement and permit the applicants to bring legal heirs of original petitioner No.1 Appayya @ Appasaheb Balu @ Balappa Bagi on the record by carrying out

*necessary amendment to the writ
petition.”*

B) Applicant to carry out appropriate amendment in First Appeal and pending applications, if any, on or before 31.07.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

C) If amendment is carried out within stipulated time as stated hereinabove, Applicant to serve amended copy of First Appeal on other side immediately.

D) Civil application stands disposed off accordingly.

E) No order as to costs.

(K.K.TATED, J.)