

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3071 OF 2019

IN

FIRST APPEAL NO. 578 OF 1995

Office Notes, Office
Memoranda of
Coram,
appearances, Court's
orders or directions
and Registrar's
orders

Court's or Judge's orders.

Ms. Hetal Patel for the Applicants.

CORAM: K.K.TATED, J.

DATED : 16.09.2019

P.C.

1 Heard learned Counsel for the Applicants.

2 The learned Counsel for the Applicants submits that the Respondents are duly served by private notice and he has filed affidavit of service to that effect. Statement is accepted.

3 In spite of service, no one appeared on behalf of Respondents, when the matter called out.

4 By this Civil Application, the Applicants are seeking permission to join them as Appellant in First Appeal No. 578 of 1995 as sole appellant Jayaram Dumanna Shetty died on 07.07.2017.

5 Considering the submissions made by the learned Counsel for the Applicant and

averments made in Civil Application, I am satisfied that Applicant has made out a case for allowing the Civil Application.

6 Hence, the following order is passed:

a) Delay in filing Civil Application is condoned.

b) Abatement is set aside.

c) Applicants are permitted to bring legal heirs on record of deceased sole Appellant Jayaram Dumanna Shetty in First Appeal No. 578 of 1995 on or before 18.10.2019, failing which Civil Application shall stand dismissed without further reference to the Court.

d) If amendment is carried out within stipulated time as stated above, Applicants to serve amended copy of First Appeal memo on Respondents and file affidavit of service to that effect within six weeks thereafter.

e) Liberty granted to the Applicant to take out appropriate application for remaining prayers and that application will be decided on its own merits.

f) Civil Application stands disposed of accordingly.

g) No order as to costs.

(K.K.TATED, J.)