

Amk

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

**CIVIL APPLICATION NO. 42 OF 2016
IN
CROSS-OBJECTION (STAMP) NO. 22668 OF 2011
IN
FIRST APPEAL NO. 1642 OF 2011**

Mai Gopal Keni & Ors.

.. Applicants

In the matter between

The State of Maharashtra
through the SLAO

.. Appellant

Vs.

Bama Shingya Keni 7 Ors.

.. Respondents

Mrs. Deepa Punde I/b S. S. Punde for the Applicants.

Mr. A. R. Patil, AGP for the State.

CORAM : K. K. TATED, J.
DATE : 20th MARCH, 2019.

P. C. :

1. Heard learned Counsel for the parties.
2. By this Civil Application, the Applicants are seeking permission to bring legal heirs on record of deceased Respondent No.3-Gopal Shingya Keni who died on 11.03.2013.
3. Learned Counsel for the Applicants submits that there is delay in filing the Civil Application for want of knowledge of procedure. In support of this contention, she relies on paragraph 6 of the Civil Application.
4. Learned Counsel for the Applicants submits that the Hon'ble Court may please be condoned the delay in filing the Civil Application and allow

them to bring the legal heirs on record of deceased Respondent No.3- Gopal Shimgya Keni .

5. Considering the submission made by learned Counsel for the Applicants and averments in paragraph 6 of the Civil Application, I am satisfied that the Applicants have made out the case for following order:

(i) The Civil Application is allowed in terms of prayer clauses (a), (b) and (c) which read thus:

(a) This Honourable High Court be pleased to condone the delay in preferring the present Civil Application;

(b) This Honourable High Court be pleased to set aside the abatement of the Cross Objection Stamp No. 22668 of 2011 in First Appeal No. 1642 of 2011 against Respondent No.3;

(c) This Honourable High Court be pleased to permit Applicants to amend the title of the Cross Objection Stamp No. 22668 of 2011 in First Appeal No. 1642 of 2011 by bringing the names of Applicants on the record of Cross Objection Stamp No. 22668 of 2011 in First Appeal No. 1642 of 2011;

(ii) The Applicants to carry out the amendment on or before 26.04.2019, failing which, the Civil Application stands dismissed without referring back to this Court.

(iii) If amendment is carried out within stipulated time as stated above, the Applicants to serve amended copy of cross-objection on other side immediately thereafter.

- (iv) The Civil Application stands disposed of accordingly.
- (v) No order as to costs.

[K. K. TATED, J.]