

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

**CIVIL APPLICATION NO.1398 OF 2018
IN
FIRST APPEAL (ST.) NO.18748 OF 2017**

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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Ms.Karuna Yadav i/b Mr.Ramprakash Pandey
for the applicant

**CORAM : K. K. TATED, J
DATE : JULY 16, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant legal heirs of deceased appellant Vijay Dhanaliya is seeking permission to carry out appropriate amendment in cause title of First Appeal and pending Civil Application for joining him as party appellant as legal heirs of deceased appellant.

3 The learned counsel for the Applicant

submits that in the present proceedings, original appellant filed First Appeal challenging the judgment and decree dated 2.5.2007 passed by Bombay City Civil Court in Summons for Judgment No.253 of 2016 in Summary Suit No.3527 of 2012. She submits that before admission of the First Appeal, sole appellant died on 14.8.2017. She submits that there is a delay of 6 days in filing Civil Application. She submits that in the interest of justice this Hon'ble Court be pleased to condone the delay and allow the Applicant to carry out appropriate amendment in First Appeal (ST) No.18748 of 2017. She submits that if delay is not condoned, irreparable loss will be caused to the Applicant.

4 Considering the submissions made by the learned counsel for the Applicant, 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) Delay in filing the Civil Application is condoned.
- b) Applicant is permitted to carry out appropriate amendment in First Appeal (ST) No.18748 of 2017 by bringing legal heirs on record of deceased original appellant on or

before 23.08.2019 failing which the Civil Application shall stand dismissed without further reference to the court.

c) Civil application stands disposed off accordingly.

d) No order as to costs.

(K.K.TATED, J.)