

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

**CIVIL APPLICATION NO.2447/2019
IN
FIRST APPEAL (ST)NO.4624/2017**

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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Advocate Mr.Raju Haridas I/b Amol Mhatre for applicant.
Advocate Ms Swati D. Sawant for respondent.

**CORAM : K. K. TATED, J
DATE : JULY 12, 2019.**

P.C.:

Not on board. At the request of learned advocate for the responden by preceipe dated 11.7.2019, matter taken on production board for urgent orders.

2. Heard learned counsel for parties.

3. Learned advocate for respondent submits that the matter is not shown on

board since long. Hence, she filed the preceipe.

4 Learned advocate for applicant submits that by this civil application they are seeking permission to bring legal heirs on record of deceased-respondent no.1 Suresh Jairam Parab who died on 19.9.2017. He submits that they received letter on 5.1.2018 from the advocate of respondent and at that time they learnt about death of respondent no.1. Hence, they preferred present civil application. He submits that in the interest of justice, this court be pleased to condone delay in filing civil application and set aside abatement with permission to bring legal heirs on record.

5. Learned advocate for respondent submits that she received instructions to appear on behalf of respondent. She submits that they have no objection if the civil application is allowed. She undertakes to file Vakalatnama for legal heirs in First

Appeal (stamp) No.4624/2017. Same is accepted.

6. Considering the submissions made by learned advocate for applicant and averments made in civil application and as advocate appearing on behalf of respondent has no objection, by consent of both parties, following order is passed.

a) Delay in filing civil application is condoned.

b) Abatement is set aside.

c) Applicant is permitted to bring legal heirs on record of deceased, respondent no.1 in First Appeal (Stamp) No.4624/2017 on or before 23.8.2019 failing which civil application shall stand dismissed without referring back to the court.

d) If amendment is carried out within

stipulated time, applicant to serve amended copy of first appeal alongwith entire proceeding on the advocate of respondent on or before 29.8.2019 and file affidavit of service to that effect.

e)Learned advocate for respondents to file Vakalatnama on behalf of added respondents in first appeal immediately.

f) Civil application disposed of accordingly.

g)No order as to cost.

(K.K.TATED, J.)