

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

**CIVIL APPLICATION NO. 3375 OF 2018
IN
FIRST APPEAL NO. 715 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. C. M. Lokesh for the Applicant.
Mr. Rohan Barge i/b P. K. Deshmukh for the Respondent Nos. 1 & 2.

**CORAM: K.K.TATED, J.
DATED : SEPTEMBER 24, 2019**

PC.

1 Heard learned Counsel for the parties.

2 By this Civil Application, the Applicant is seeking permission to bring the legal heirs on record of Respondent. Smt. Ratnamala Madhukar Gaikwad who died on 04/09/2019. There is delay in filing the Civil Application.

3. The Learned Counsel for the Applicant submits that, the Advocate for Respondent vide letter dated 11/12/2017 informed the Applicant about the death of the Respondent, the names and the addresses of

the legal heirs. Thereafter they immediately filed the present Application. He submits that for want of knowledge about death of Respondent there is delay in filing the Civil Application.

4. Considering the submission made by the Learned Counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out a case for allowing this Civil Application. Hence, the following order:

- a. Abatement set aside.
- b. Delay in filing the Civil Application is condoned.
- c. The Applicant is permitted to bring legal heirs on record of deceased Respondent Smt. Ratnamala Madhukar Gaikwad in First Appeal No. 715 of 2013 on or before 19/10/2019 failing which the Civil Application shall stand dismissed without further reference to the Court.
- d. If amendment is carried out within the stipulated time, the Applicant to serve amended the copy of the First Appeal on the advocate for Respondents on or before

22/11/2019 and file affidavit of service to that effect, failing which First Appeal shall stand dismissed without further reference to the Court.

e. Civil Application stands disposed of accordingly.

f. Nor order as to costs.

(K.K.TATED, J.)