

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

**CIVIL APPLICATION NO.858 OF 2018
IN
SECOND APPEAL NO.186 OF 1996**

Shri Damodhar Madhavrao Dhadave
& Anr.

...Applicants

V/s.

Shri Namdeo Shripati Dhadave & Ors.

...Respondents

....

Shri Pravin Dabade I/b Shri R.S. Kate, advocate for the applicants.

Mr. Saahil Bijliwalla I/b FZB & Associates, advocate for the respondent No. 9 in Civil Application No.33/11.

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CORAM : M.S.KARNIK, J.

DATE : 6th JUNE, 2019

P.C. :

1. This is an application for bringing the heirs and legal representatives of the deceased appellant No. 1 on record.
2. The appellant No. 1 died on 07/11/2014. The applicant Nos. 1A. and 1B. claim to be the nephews of the appellant No. 1. It is averred that by virtue of the Will dtd.05/09/2014 they had become legal representatives of the appellant No. 1. There is a delay of about two years and two days in filing the present application.

3. For the reasons stated in the application and further in view of the oral submission made by the learned counsel, I am satisfied that the delay needs to be condoned.
4. For reasons mentioned in the application, the present applications deserves to be allowed in terms of the prayer clauses (b), (c) and (d).
5. Consequential amendments to be carried out within a period of two weeks from today.
6. Civil Application stands disposed of accordingly.
7. List the Appeal on 17/07/2019.

(M.S.KARNIK, J.)