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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 2463 OF 2018****IN****FIRST APPEAL NO. 1319 OF 2017**

Shri. Ravindra Savlaram Kashikar

.....Applicant

V/s.

Shri. Arun Savlaram Kashikar and others

.....Respondents

Mr. Jatin Sahai i/b M/s. C. K. Legal for applicant/appellant

Ms. Roma Bhende holding for Mrs. Swati Gautam for respondent
nos. 1 to 7.**CORAM : K. K. TATED, J.****DATE : APRIL 2, 2019.****P.C.**

Heard the learned counsel for the parties.

2 By this Civil Application, applicant is seeking permission to bring legal heirs on record of deceased Respondent no. 7 Deepali Dinanath Sahamate who died on 05/09/2018.

3 The learned counsel Ms. Bhende submits that she has received instructions to appear on behalf of legal heirs of respondent no. 7. She submits that they have no objection if Civil Application is allowed.

4 Considering the submissions made by the learned counsel for the applicant, averments made in Civil Application and as Advocate on behalf of legal heirs has no objection, I am satisfied that applicant has made out case for allowing Civil Application. Hence, following order:

(I) The delay in filing Civil Application is condoned.

(II) Abatement is set aside.

(III) Applicant is permitted to bring legal heirs on record of deceased respondent no. 7 in First Appeal no. 1319 of 2017 and pending Civil Application on or before 30/04/2019, failing which, Civil Application shall stand dismissed without referring back to the Court.

(IV) If amendment is carried out within stipulated time,

Advocate for the applicant is directed to provided copy of amended First Appeal to all the respondents, immediately thereafter.

(V) The learned counsel appearing on behalf of legal heirs to file Vakalatnama in First Appeal.

(VI) Civil Application stands disposed of accordingly.

(VII) No order as to costs.

[K. K. TATED, J.]