

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.1137 OF 2019
in
FIRST APPEAL NO.950 OF 2014**

Jyotika Bhagwandas Patel (Prop.
Heirs of appellant late Bhagwandas D.Patel).. Applicants
vs
The MunicipalCorpn of Gr.,Mumbai .. espondents

Mr.Vimlesh Singh for Applicants
Ms.Oorja Dhond for BMC
Mr.R.V.Sankpal for Respondent no.2.

CORAM : K.K.TATED, J
DATE : 25th MARCH, 2019

P.C

Heard learned counsel for the applicant.

2. By this Civil Application, the applicant is seeking permission to bring the legal heirs of the deceased sole Appellant on record, who died on 2.11.2018.

3. Learned Advocate for the respondent no.2 submits that they have no objection if the delay of 56 days is condoned in filing the present Civil application.

4. Considering the submissions made by learned counsel for the applicant, I am satisfied that the applicant has made out a case for allowing this Civil Application. Hence, the following order :

O R D E R

- (i) The delay in filing the Civil Application is condoned.
- (ii) The applicant is permitted to bring the legal heirs of the deceased sole Appellant on record in First Appal No.950 of 2014 on or before 26.4.2019 failing which the Civil Application shall stand dismissed without reference to the Court.
- (iii) If amendment is carried out, the applicant is directed to provide an amended copy of the First Appeal to the other side immediately thereafter.
- (iv) Civil Application disposed of.
- (v) Interim protection to continue till next date of hearing.

The Registry is directed to place the matter for admission on 10.6.2019.

{K.K.TATED, J}