

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO. 204 OF 2018
IN
APPEAL FROM ORDER NO. 920 OF 2014**

Vishaka V.Dandekar & ors .. Applicants
vs
Mumbai Municipal Corporation .. Respondents

Mr.N.V.Khaladkar for Applicants
Mr.Deepak Shukla I.b Mr.Vinod Mistry for Respondent no.2.
Ms.Madhuri More for BMC

***CORAM : K.K.TATED , J
DATE : 9th April, 2019***

P.C

Heard learned counsel for the parties.

2. By this Civil Application, the Applicant is seeking permission to bring the legal heirs of the deceased applicant no.2 Vinodini R.Koppikar on record who died on 7.3.2017.

3. Learned counsel Mr.Khaladkar for the Applicant submits that they have obtained the Probate on 14.3.2019. He submits that as per the Probate, Deepa Chandavarkar is entitled to act as a legal heir of deceased Applicant no.2.

4. Considering the submissions made by learned counsel for the Applicants, averments made in the Civil Application, and grant of Probate on 14.3.2019, I am satisfied that the Applicant has made out a case for

allowing the Civil Application. Hence, the following order :

O R D E R

- (a) Delay in filing the Civil Application is condoned.
- (b) The Applicant is permitted to bring the legal heirs on record of the deceased Applicant no.2 in Appeal from Order No.920 of 2014 and pending Civil Applications if any, on or before 3.5.2019, failing which, the Civil Application shall stand dismissed without referring back to the Court.
- (c) If Amendment is carried out within time as stated herein above, the Applicant to serve the amended copy of the Appeal memo along with entire proceedings on other side and file affidavit of service on or before 29.6.2019.

Civil Application stands disposed of accordingly. No order as to costs.

{K.K.TATED, J}