

DDR

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

**CIVIL APPLICATION NO. 1015 OF 2016
IN
SECOND APPEAL NO. 689 OF 2010**

Rama Chimaji Kokare & ors. ..Applicants
vs.
Dattatray Patloji Shewale (since deceased
through its legal heirs)
1a) Sachin Sambhaji Shewale & ors. ..Respondents
....
Shri Shriram S. Kulkarni for applicants.
None for respondents.

....
CORAM : M.S.KARNIK, J.

DATE : 7th JUNE, 2019

P.C. :

This is an application for bringing the legal heirs of the deceased respondent No.2 on record. It is pointed out that respondent No.2 died on 17th December, 2005 during the pendency of the First Appeal. However, his legal heirs were not brought on record then. The notices issued to the heirs of respondent No.2 are duly served. None appears despite service of notice.

2. The applicants have explained the reason why there is a delay of 9 years and 349 days in bringing the legal heirs of respondent No.2 on record. I am satisfied with the explanation which has been stated as set out in the application.

3. For the reasons mentioned in the application and also in the light of the submissions made by learned Counsel for the applicants, delay deserves to be condoned.

4. Further for the reasons mentioned in the application, the applicants are permitted to bring the legal heirs of Respondent No.2 on record. The application is allowed in terms of prayer Clauses (a) (b) and (c).

5. Consequential amendments to be carried out within a period of 2 weeks from today.

6. The Civil Application is disposed of.

(M.S.KARNIK, J.)