

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 3405/2014
in
First Appeal No. 945/1994

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Umesh Mahajan I/b. M/s. Divekar & Co. for the Applicant Mr. Rajesh Parab for Respondent Nos.2A to 2C.

CORAM : K.K.TATED, J.
DATED : APRIL 25, 2019

P.C.

Heard. The learned counsel for the Applicant submits that they have already served the Respondents and filed an Affidavit of service to that effect in the Registry. The statement is accepted.

2 This application is for bringing legal heirs on record of deceased Respondent No.1(a) Smt. Leelavati Hingoo Mishra.

3 The learned counsel for the Respondent submits that they have no objection, if the Civil Application is allowed.

4 Considering the submissions made by

the learned counsel for the Applicant and the averments made in the Application and as the learned counsel for the Respondent has no objection for allowing the Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5 Hence, the following order:

a) Delay in filing the Civil Application is condoned.

b) Abatement is set aside.

c) The Applicant is permitted to bring on record the legal heirs of deceased Respondent in the First Appeal on or before 21.06.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

d) If amendment is carried out within stipulated time as stated hereinabove, the Applicant is directed to serve an amended copy of the First Appeal, on the Advocate for the Respondents, immediately thereafter.

e) Office is directed to issue notices to the added Respondent in the First Appeal.

f) In addition to usual mode of service, the Applicant is permitted to serve the added Respondent in the First Appeal along with entire proceedings by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect.

g) Civil application stands disposed off accordingly.

(K.K.TATED, J.)