

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

**CIVIL APPLICATION NO.3880 OF 2013
IN
FIRST APPEAL NO.1098 OF 2000**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.A.R.Patil, A.G.P. for the applicant

**CORAM : K. K. TATED, J
DATE : MARCH 12, 2019**

P.C.:

- 1 Heard.
- 2 By this Civil Application, applicant is seeking condonation of delay in bringing legal heirs on record of deceased respondent no.2.
- 3 Though legal heirs of respondent no.2 are duly served, no one appeared on behalf of them when the matter was called out.
- 4 Considering the submissions made by the learned A.G.P.for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence,

following order:

A. Civil Application is allowed in terms of prayer clause (b) (c) and (d) which reads thus:

“(b) that this Hon’ble Court be pleased to condone 7 years 213 days delay in preferring above mentioned Civil Application for bringing legal heirs on record of deceased Respondent No.2.

(c) that this Hon’ble Court be pleased to set aside the abatement of the abovementioned matter.

(d) that this Hon’ble Court be pleased to allow the applicant to bring legal heirs on record of deceased Respondent no.2 as stated hereinabove.”

B. Applicant to carry out appropriate amendment in First Appeal No.1098 of 2000 on or before 26.04.2019, failing which Civil Application shall stand dismissed without referring back to the court.

C. If amendment is carried out within stipulated time as stated hereinabove, Registry is directed to issue notice to added

respondent in First Appeal No.1098 of 2000.

D. In addition to usual mode of service, Applicant is permitted to serve added Respondents in First Appeal No.1098 of 2000 along with entire proceedings by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect on or before the next date.

E. Civil Application stands disposed of accordingly.

F No order as to costs.

(K.K.TATED, J.)