

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

**CIVIL APPLICATION NO. 3433 OF 2016
IN
FIRST APPEAL NO. 303 OF 2001**

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. D.S. Mhaispurkar for the Applicant.

Ms. Rukmini Khairnar I/b P.N. Joshi for the Respondent Nos. 2B, 2D to 2F.

Ms. Poonam Mittal for Respondent No.2.

CORAM : K. K. TATED, J.

DATE : 05/04/2019

P.C.:

. Heard learned Counsel for the parties.

2 By this Civil Application, the Applicant is seeking permission to bring legal heirs of Respondent No.2 Balu @ Baburao Bhimsa Tak, on record who died on 01.11.2011.

3 The learned Counsel for the Applicant submits that all the Respondents are duly served. Statement is accepted.

4 Considering the submissions made by the learned Counsel for the Applicant and averments made on Civil Application, I am satisfied that Applicant has made out a case for allowing the Civil Application.

5 Hence, the following order.

- a) Abatement is set aside.
- b) Delay in filing Civil Application is condoned.
- c) Applicant is permitted to bring legal heirs on record of deceased Respondent No.2 in First Appeal No. 303 of 2001 and pending Civil Application, if any on or before 03.05.2019, failing which Civil Application shall stand dismissed without further reference to the court.
- d) If amendment is carried out within stipulated time as stated hereinabove, Applicant is directed to provide amended copy to the Respondents.
- e) The Applicant is directed to serve added respondents by private notice along with entire proceeding either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.
- f) Civil Application is disposed of accordingly.

(K.K.TATED, J.)