

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

**CIVIL APPLICATION NO.2349 OF 2019
IN
FIRST APPEAL NO.911 OF 2015**

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.S.G.Thorat for the applicant

Mr.C.M.Lokesh i/b Mr.G.S.Hegde for the respondent no.1

**CORAM : K. K. TATED, J
DATE : JULY 16, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant original Claimant is seeking permission to bring legal heirs on record of deceased appellant Mahadev Bhimrao Talaskar who died on 2.12.2018.

3 The learned counsel for the Applicant submits that for want of knowledge about the present proceeding it remained on the part of

legal heirs of deceased appellant to prefer appropriate Application immediately. He submits that they have good chance of success in the matter. He submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay of 69 days in filing Civil Application and allow the Applicant to carry out appropriate amendment in cause title of First Appeal No.911 of 2015 by bringing legal heirs on record of appellant.

4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and explanation given by the learned counsel for the Applicant, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

- a) Delay in filing the First Appeal is condoned.
- b) Abatement is set aside.
- c) Applicant is permitted to carry out appropriate amendment in cause title of First Appeal No.911 of 2015 by bringing legal heirs on record of deceased appellant on or before 23.08.2019, 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 other side, immediately thereafter.

e) Civil Application stands disposed of accordingly.

f) No order as to costs.

(K.K.TATED, J.)