

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2477/2014
in
First Appeal No.1356/2009

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Jeenal Upadhyay I/b. Rajesh Patil for the Applicant	

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 6, 2019

P.C.

1 Heard. The learned counsel for the Applicant submits that they have filed Affidavit of Service dated 12.08.2019. In spite of service, none appeared for the Respondent.

2 By this Civil Application, the Applicant is seeking permission to bring the legal heirs on record of the deceased sole Respondent who died on 06.05.2011.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for

allowing the Civil Application.

4 Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clauses (a) to (c) which read thus:

“(a) that the delay of 2 years 218 days for filing this Civil Application may kindly be condoned.

(b) That abatement, if any, against Respondent Nos.1A to 1E be set aside and the First Appeal be restored to file.

(c) The names of Respondent Nos.1A to 1E as shown in title of this Civil Application be brought on record as the heirs and legal representatives of deceased Respondent and title of First Appeal No.1356/2009 may be amended accordingly. “

b. Amendment to be carried out on or before 27.09.2019 failing which the Civil Application shall stand dismissed without further reference to the court.

c. If amendment is carried out within stipulated time as stated hereinabove, office to issue notice to the added Respondent in the First Appeal returnable on 18.10.2019.

d. In addition to usual mode of service, the Applicant is permitted to serve the

added Respondent along with entire proceeding either by registered post and/or hand delivery and file an Affidavit of Service on or before the next date.

e. The Civil Application stands disposed of accordingly. No order as to costs.

(K.K.TATED, J.)