

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

CIVIL APPLICATION NO.1315 OF 2018

IN

SECOND APPEAL NO.383 OF 1997

Maruti Mahadu Patil
& Anr.

... Applicants

Vs

Bhaskar Govind Patil
Since deceased, through his legal
heirs

1 Bhimabai Bhaskar Patil & Ors.

... Respondents

...

Mr. Vijay S. Gharat for the Applicants.

Mr. V.S.Gokhale for the Respondent No.6.

CORAM : SANDEEP K. SHINDE J.

DATE : APRIL 5, 2019

P.C. :

It is an application to bring legal heirs of the applicant no.2 on record who died on 7th February, 2005.

2 Office remark shows that the appeal against respondent nos.3 and 4 stood abated in view of the conditional order dated 3rd February, 2017 and Second Appeal is also dismissed against the respondent no.5. Applicants have not taken steps since February, 2017.

3 The learned counsel for the applicants on instructions undertakes to take steps in view of the office remarks as stated hereinabove within two weeks from today. Undertaking is accepted.

4 Delay of 12 years and 350 days is caused in filing this application and only reason assigned in paragraph 3 is that the applicants were unaware that the legal representatives of the deceased are required to be brought on record. That since the matter is admitted on the substantial question of law, delay is condoned subject to cost of Rs.10,000/- which the applicants shall pay to the respondents within two weeks from today.

5 Subject to this, application is allowed in terms of prayer clauses (a) and (b).

6 Applicants shall carry out consequential amendment within two weeks from today.

7 Applicants also undertake to take steps in view of

the office remark relating to respondent nos.3 to 5 within two weeks from today.

8 Civil Application is allowed and disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)