

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2456/2018
in
First Appeal (ST) No.32888/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Prashant Pundey with Mr. Suhas Adhav I/b. Kishor Gaikwad for the Applicant	

CORAM : K.K.TATED, J.
DATED : JULY 15, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking permission to file the First Appeal challenging the judgment and decree dated 25.09.2017 passed by the Bombay City Civil Court in Summary Suit No.6591/2006.

2 The learned counsel for the Applicant submits that originally, the suit was filed by the Respondent Appellate against her mother which was decreed on 26.02.2017. Her mother A.V.Mohite also died on 27.10.2017. He submits that before filing the First Appeal, the Defendant expired. Hence, this Application is filed by the legal heirs of

the Defendant for permission to file the First Appeal.

3 Considering the submissions made by the learned counsel for the Applicant and as the Applicant has filed the Civil Application seeking permission to file the First Appeal as a legal heir of the deceased Defendant, following order is passed:

a. The Civil Application is allowed in terms of prayer clause, which reads thus:

“(a) The Appellant be granted permission to file the present appeal as a legal heir and being son of deceased A.V.Mohite against whom the suit under appeal was decreed.”

b. Civil application stands disposed off accordingly.

c. No order as to costs.

(K.K.TATED, J.)