

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1955/2019

IN

FIRST APPEAL 133/1997

Ganpat K. Chindarkar
(since deceased through LR's) ... Applicants.
Vs.

Ashok B. Kharade
(since deceased through LR's) ... Respondents.

Mr.Dushyant Purekar I/b R.S. Datar, advocate for
applicants.

Mr.J.M. Mulik, advocate for respondents.

CORAM : K.K.TATED, J.

DATED : JUNE 21, 2019.

P.C.

Heard learned counsel for parties.

2. By this civil application, applicant is seeking permission to bring on record legal heirs of deceased-sole respondent Ashok Balaji Kharade who died on 16.4.018.

3 Learned advocate Mr.J.M. Mulik submits that, he received instructions to appear on behalf of legal heirs of deceased respondent. He undertakes to file Vakalatnama on behalf of the legal heirs in first appeal itself. Same is accepted.

4. Considering the submission made by the learned advocate for applicant and the averments made in civil

application , I am satisfied that applicant has made out a case for 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 in first appeal No.133/1997 on or before 26.7.2019, failing which, the civil application shall stand dismissed without referring back to the court.
- d) If amendment is carried out within stipulated time as stated above, applicant to serve the amended copy of appeal memo with copy to other side.
- e) Learned advocate, Mr.J.M. Mulik to file Vakalatnama on behalf of the respondents i.e. legal heirs of respondent, within one week from the date of service of amended copy of appeal memo.
- f) Learned counsel Mr.J.M.Mulik, waives service on behalf of added respondents.
- g) Civil application is disposed of.

(K.K.TATED, J.)

