

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

**CIVIL APPLICATION NO. 3341 OF 2014
IN
FIRST APPEAL NO. 600 OF 2011**

Devi Ramkeval Alias Rampher Yadav And Ors. ...Applicants

Versus

Ramavadh Sukhdeo Yadav & Ors ...Respondents

Mr.S.P. Srivastav for the Applicants.

CORAM : K.K. TATED, J.

DATE : 30th JULY 2019

P.C.

1. Heard learned counsel for the applicants.

2. Advocate for the applicants submits that respondents are duly served. He submits that he had already filed service affidavit.

3. In spite of service none appeared on behalf of the respondent, when the matter is called out.

4. By this Civil Application applicants is seeking permission to bring legal heirs on record of deceased applicant No.2

Ratanlal Ramkeval Alias Rampher Yadav in First Appeal No.600 of 2011 who died on 04.03.2014. The learned counsel for the applicants submits that for want of knowledge it remains on the part of the applicant to prefer appropriate application for bringing legal heirs on record of deceased appellant No.2. He submits that in the interest of justice, set aside the abatement and condone the delay in bring the legal heirs on record of deceased appellant No.2. He submits that applicant has good chance of success in the present proceedings.

5. Considering the submissions made by the learned counsel for applicants and averments made in the Civil Application, and in spite of service no one appeared on behalf of the respondent., I am satisfied that the applicants have made out case for allowing the Civil Application. Hence, following order.

ORDER

- (i) Abatement is set aside.
- (ii) Delay in filing the Civil Application is condoned.
- (iii) The applicant is permitted to bring the legal heirs on record of deceased Appellant No.2 in First Appeal No.600 of 2011 along with all pending Civil Applications on or before 31st August 2019, failing

which Civil Application shall stand dismissed without referring back to the Court.

(iv) If amendment is carried out within the stipulated time as stated herein above, applicants to serve amended copy of the First Appeal on respondents thereafter immediately and file affidavit of service to that effect on or before 31st September 2019.

(v) The Civil Application stand disposed of accordingly.

(vi) No order as to costs.

(K.K. TATED, J.)