

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4105/2013
IN
FIRST APPEAL (STAMP)NO.17043/2009

Ambadas Ganpat Hambir & Ors. ... Applicants.
Vs.
Narayan G. Bhutkar & Ors. ... Respondents.

Mr.SP Ghanavat I/b V.S. Talkulte advocate for applicant.
None for respondent.

CORAM : K.K.TATED, J.
DATED : JUNE 12, 2019.

P.C.

Heard learned counsel for applicant.

2 Though the respondents are duly served, no one appeared when the matter is called out.

3. By this application, the applicant is seeking permission to bring legal heirs on record of sole appellant, deceased-Ambadas Ganpat Hambir who died on 21.03.2010.

4. Considering the submissions made by the learned counsel for applicant and the averments made in application, I am satisfied that applicant has made out a case for following order.

A) Civil application is allowed in terms of prayer clauses (a) and (b) which reads thus:

“a)Delay in filing present application be condoned.

b)The abatement of appeal as against deceased original applicant Ambadas Ganpat Hambir be set aside and applicant nos.A to C be brought on record as a legal heirs of the deceased original applicant Ambadas Ganpat Hambir and title clause of the appeal be amended accordingly.”

B) Applicant to carry out appropriate amendment in civil application no.3430/2009 and first appeal (stamp)no.17043/2009 on or before 12.7.2019, failing which, the civil application shall stand dismissed without referring back to the court.

C) Civil application stands disposed of.

(K.K.TATED, J.)