

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2299/2019
in
First Appeal No.591/2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. S. P. Srivastav for the Applicant Mr. S. D. Thokade I/b. Abhay L. Patki for Respondent Nos.1 and 2.	

CORAM : K.K.TATED, J.
DATED : JULY 9, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking permission to bring the legal heirs on record of deceased Respondent No.1 Rizwan Ali Salman who who died on 10.02.2019.

2 The learned counsel for the Applicant submits that as soon as they learnt that Respondent No.1 expired, they, by their letter dated 19.02.2019 called upon the advocate for the Respondent to intimate the names and addresses of the legal heirs of the deceased. In reply to the said letter, the learned counsel for the Respondent, by letter dated 04.05.2019 informed the

names and addresses of the legal heirs of the deceased. Thereafter the Applicant filed the present Civil Application on 03.06.2019. He submits that they have filed the Civil Application within time.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, following order is passed:

a. The Applicant is permitted to bring the legal heirs on record of deceased Respondent No.1 Rizwan Ali Salman in the First Appeal on or before 09.08.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

b. If amendment is carried out within stipulated time as stated hereinabove the Applicant is permitted to serve the Respondent and added Respondent by private notice along with entire proceedings and file Affidavit of Service to that effect.

c. Office to issue notice to the added Respondent in the First Appeal.

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)

