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

**CIVIL APPLICATION NO. 1909 OF 2017
IN
FIRST APPEAL (ST.) NO. 8414 OF 2013**

Ramesh Tiwari & Anr. ... Applicants

In the matter between:-

Shri Amritlal Mahadev Tiwari
(since deceased through his legal heirs) ... Appellants

V/s.

Keshavlal Mahadev Tiwari & Ors. ... Respondents

.....

Mr. R. N. Kachare i/b Mr. Amit A. Palkar for the Applicant.

Mr. Rakesh Agrawal for the Respondent No. 1 & 2.

Mrs. Sheetal Mane, AGP for the Respondent No.3-BMC.

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CORAM : K.K. TATED, J.

DATE : 25th JUNE, 2019.

P.C.:

Heard learned Counsel for the parties.

2. By this Civil Application, Applicants are seeking permission to join them as the legal heir on record of the deceased sole Appellant Shri Amritlal Mahadev Tiwari who died on 9th September 2016. There is delay of 182 days in filing the Civil Application.

3. The learned Counsel for the Applicant submits that Applicant Nos.1(b) Ramesh Tiwari @ Ramesh Tripathi is also as Respondent No.2 in First Appeal cause title. He submits that the Applicant No.1(b) desires to transpose him as Appellant from Respondent No.2. To that effect, he already made a prayer in the present Civil Application. He further submits that the Applicant No.1(b) also executed vakalatnama in the favour of Advocate on record in the present Civil Application.

4. Considering the submission made by the learned Counsel for the Applicant and averments made in this Civil Application, I am satisfied that the Applicant has made out a case for allowing this Civil Application.

5. Considering these facts, following order is passed:-

- i) Civil Application is allowed in terms of prayer clause (a) & (b), which reads thus:-

“(a) Delay of 182 day in filing present Civil Application may kindly be condoned”

“(b) Appellant 1(a) & (b) may kindly be brought on record as legal heirs of the original appellant and Respondent 2 be transposed as Appellant No.1(b).”

- ii) Applicant to carryout appropriate amendment on or before 20th July 2019 with copy to other side failing which this Civil Application shall stand dismissed without further reference to the Court.
- iii) Civil Application disposed off accordingly.
- iv) No order as to costs.

(K.K. TATED, J.)