

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

**CIVIL APPLICATION NO.2528 OF 2017
IN
FIRST APPEAL NO.78 OF 2013**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.S.T.Bhosale I/b Mr.Dilip Bodke for the applicant

Mrs.Sneha S. Dwivedi for the respondent no.3

**CORAM : K. K. TATED, J
DATE : MARCH 12, 2019**

P.C.:

- 1 Heard.
- 2 Though Respondent nos.2 is duly served, no one appeared on behalf of them when the matter was called out.
- 3 By this Civil Application, applicant is seeking permission to bring legal heirs on record of deceased Respondent No.2 Vasant Dagadu Kalbhor.
- 4 Considering the submissions made by the learned counsel for the applicant and the

averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

A. Civil Application is allowed in terms of prayer clause (a), (b), (c) and (d) which reads thus:

“(a) This Hon’ble Court be pleased to dispense with the filing of the death extract of the deceased Respondent No.2 namely Late Vasant Dagadu Kalbhor.

(b) This Hon’ble Court be pleased to condone the delay of 318 days which has occurred in filing the present Civil Application.

(c) This Hon’ble Court be pleased to allow the Applicant to bring on record the Respondent Nos.2A to 2B as heirs and legal representatives of the deceased Respondent No.2 namely Late Vasant Dagadu Kalbhor and allow to amend the cause title accordingly.

(d) This Hon’ble Court be pleased to condone the 318 days delay in setting aside the abatement if any against the Respondent No.2 in the interest of Justice.”

B. Applicant to carry out appropriate amendment in First Appeal No.78 of 2013 on or before 20.04.2019, failing which Civil Application shall stand dismissed without referring back to the court.

C. If amendment is carried out within stipulated time as stated hereinabove, applicant is directed to serve amended copy of First Appeal on Respondent or their Advocate immediately.

D. If amendment is carried out within stipulated time as stated hereinabove, Registry is directed to issue notice to legal heirs of deceased respondent no.2 in First Appeal No.78 of 2013.

E. In addition to usual mode of service, Applicant is permitted to serve legal heirs of deceased Respondent No.2 along with entire proceedings by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect on or before 05.07.2019.

F. Civil Application stands disposed of accordingly.

G. No order as to costs.

(K.K.TATED, J.)