

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3329/2018
in
First Appeal No.640/2016

Basavraj
G. Patil

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Basavraj G. Patil
Date: 2019.11.26
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Chandrarao S. Nikam

..... Applicant

Vs.

Madhvi Manaklal Shinkar & Ors.

..... Respondents

Mr. Ashish Gabhale a/w. Ms. Khushbu Marwali I/b. M/s. Jay
& Co. for the Applicant

Mr. Ajit V. Alange I/b. Mahendra N. Sandhyanshiv for
Respondent Nos.1 to 7.

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**

DATED : NOVEMBER 21, 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.2 Anita Sanjay Bamb, who died on 26.07.2015.

2 Office note shows that the legal heirs of the deceased are duly served. In spite of that none appeared for them.

3 Considering the submissions made by Applicant and the averments made in the Civil Application, we are satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, following order is passed:

- a. Abatement is set aside.
- b. Delay in filing the Civil Application is condoned.
- c. The Applicant is permitted to bring the legal heirs on record of deceased Respondent No.2 in the First Appeal on or before 19.12.2019, failing which the Civil Application shall stand dismissed without further reference to the court.
- d. If the amendment is carried out within stipulated time as stated hereinabove, the Applicant to serve an amended copy of the First Appeal on other side immediately thereafter, and file an Affidavit of Service.
- e. The Civil Application stands disposed of accordingly.
- f. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)