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

**CIVIL APPLICATION NO. 1017 OF 2018
IN
APPEAL FROM ORDER NO. 993 OF 2016**

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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Ms. Gunjan Shah I/b K. P. Shah for the Applicant.

Mr. R. V. Shinde I/b Kshirsagar for the Respondent Nos.1A to 1E, 2 to 13.

CORAM : K. K. TATED, J.

DATE : 28th MARCH, 2019.

P. C. :

1. Heard learned Counsel for the parties.
2. By this Civil Application, the Applicant is seeking permission to bring legal heirs on record of deceased Respondent No.1-Dattu Ranbhau Dange.
3. Learned Counsel Mr. Shinde submits that he received instructions to appear on behalf of legal heirs of deceased Respondent No.1. He submits that he has no objection, if the Civil Application is allowed.
4. Considering the submission made by learned Counsel for the Applicant, averments in the Civil Application and learned Counsel for legal heirs of deceased No.1 has no objection, I satisfied that the Applicant has made out case for following order:

- (i) Delay of 1 years 102 days is condoned.
- (ii) Abatement is set aside.
- (iii) Applicant is permitted to bring the legal heirs of deceased Respondent No.1 in Appeal from Order No. 993 of 2016 and pending Civil Application on or before 26.04.2019, failing which the Civil Application shall stand dismissed without referring back to this Court.
- (iv) If amendment is carried out within stipulated time as stated above, the Applicant to serve amended copy of Appeal Memo and other proceeding on Respondents immediately thereafter.
- (v) Learned Counsel Shri Shinde waives service for legal heirs of deceased Respondent No.1.

[K. K. TATED, J.]