

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 138 OF 2018
(FOR DELAY CONDONATION)

IN

CIVIL APPLICATION NO. 1865 OF 2017
(FOR HEIRS OF RESPONDENT NO.2)

IN

SECOND APPEAL NO. 355 OF 2015

Shri. Pandu Buwaji Gaikwad

.....Applicant
(Orig. Plaintiff)

V/s.

Shri. Bhavan Ramu Pawar
and Ors.

....Respondents

ALONGWITH

CIVIL APPLICATION NO. 1865 OF 2017
(FOR HEIRS OF RESPONDENT NO.2)

IN

SECOND APPEAL NO. 355 OF 2015

Shri. Pandu Buwaji Gaikwad

.....Applicant
(Orig. Plaintiff)

V/s.

Shri. Bhavan Ramu Pawar
and Ors.

....Respondents

* * * *

Mr. Girish R. Agrawal, Advocate for the applicant.

Mr. M.M. Sathaye, Advocate for respondents no.1, 2A to 2E.

CORAM : SANDEEP K. SHINDE, J.

Monday, 25th March, 2019.

P.C. :

1. Civil Application No. 138 of 2018 is for condonation of delay of 549 days caused in filing Civil Application No. 1865 of 2017 for bringing legal representatives of respondent no.2 on record.
2. The impugned decree was passed on 27th August, 2014 and respondent no.2 died on 13th November, 2014. It is only after the notices were returned unserved. It is in these circumstances, the delay is caused to bring the legal representatives of respondent no.2 on record.
3. Heard learned Counsel for the parties.
4. That for the reasons stated in the application, Civil Application No. 138 of 2018 is allowed in terms of prayer clause (a) and Civil Application No. 1865 of 2017 is allowed in terms of prayer clauses (b), (c) and (d).
3. The applicant to carry out consequential amendments

within a period of two weeks from today. Both the Civil Applications to stand disposed off.

4. Second Appeal to be listed on 29th April, 2019 for admission on supplementary board. Mr. Sathaye, learned Counsel waives service of notice on behalf of respondents no.1 and 2A to 2F.

(SANDEEP K. SHINDE, J)