

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

**CIVIL APPLICATION NO.1734 OF 2017
WITH
CIVIL APPLICATION NO.1735 OF 2017
IN
SECOND APPEAL NO.274 OF 1997**

Shevantabai Bhika Rasal

And Others

... Applicants

Versus

Uttam Bhika Rasal

And Others

... Respondents

**WITH
CIVIL APPLICATION NO.1736 OF 2017
WITH
CIVIL APPLICATION NO.1737 OF 2017
IN
SECOND APPEAL NO.274 OF 1997**

Shevantabai Bhika Rasal

And Others

... Applicants

Versus

Uttam Bhika Rasal

(Since deceased through his heirs
and legal representatives)

1A. Jijabai Uttam Rasal

And Others

... Respondents

.....

Ms. Neha Parte i/b Mr. S.M. Sabrad for the Applicants.

None for the Respondents.

.....

CORAM : S.C. GUPTE, J.

DATE : 8 NOVEMBER 2019

P. C. :

CIVIL APPLICATION NO.1737 OF 2017

2 This civil application is for bringing on record legal heirs of the deceased Respondent No.1. The application has been served on all contesting Respondents. None, however, appears or shows cause. There is a delay. For the reasons stated in the civil application, the delay is condoned and legal heirs of the deceased Respondent no.1 are brought on record in terms of prayer clause -(c) of the Civil Application. Amendment to be carried out within two weeks. Issue notice accordingly to the newly added respondents. In addition, the Applicant is permitted to effect a private service and file an affidavit to that effect. The civil application is disposed of.

CIVIL APPLICATION NO.1736 OF 2017

3 This civil application is for bringing on record legal heirs of the deceased Respondent No.2. The application has been served on all contesting Respondents. None, however, appears or shows cause. There is a delay. For the reasons stated in the civil application, the delay is condoned and legal heirs of the deceased Respondent no.2 are brought on record in terms of prayer clause -(c) of the Civil Application. Amendment to be carried out within two weeks. Issue notice accordingly to the newly added respondents. In addition, the Applicant is permitted to effect a private service and file an affidavit to that effect. The civil application is disposed of.

CIVIL APPLICATION NO.1734 OF 2017

4 This Civil Application is for bringing on record legal heirs of the deceased Appellant No.5. There is a delay in taking out the application. The delay is sought to be explained in the civil application. There is no reply to the civil application, despite service of the same, on the part of the Respondents. None appears for the Respondents to show cause. The Civil Application is, accordingly, allowed by condoning the delay and bringing on record Applicant No.5A as legal heir of deceased Appellant No.5. Amendment to be carried within two weeks. The Civil Application is disposed of.

CIVIL APPLICATION NO.1735 OF 2017

5 This civil application is for transposition of Applicant No.5A as Respondent No.3 in the Second Appeal. The application may be served once again on contesting parties including Applicant No.5A and an affidavit in proof of such service may be filed. The returnable date to be communicated as 9 December 2019.

6 Stand over to 9 December 2019 accordingly.

(S.C. GUPTE, J.)