

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

**CIVIL APPLICATION NO.2344/2019
IN
FIRST APPEAL NO.1101/2016**

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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Advocate Mr.Rupesh Lanjekar I/b Murlidhar L. Patil for applicant.

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

P.C.:

Not on board. At the request of learned advocate for applicant, preceipe dated 11.7.2019, matter taken on production board for urgent orders.

2 By this civil application, applicant is seeking permission to bring legal heirs on record, of deceased-respondent no.2 who died on 8.10.2014. He submits that there is delay of 3 years and 291 days in filing the application.

3 Learned advocate for applicant submits that civil application is already served on other side and today's date is also informed to them. In spite of that, no one appeared.

4. Learned advocate for applicant is directed to file affidavit of service on or before 9.8.2019 failing which the civil application shall stand dismissed without referring back to the court.

5 Learned counsel for applicant submits that legal heirs of deceased, respondent no.2 are on record as respondent nos. 1 and 3. He submits that he may be permitted to delete the name of respondent no.2 and treat respondent nos.1 and 3 as legal heirs of deceased no.2.

6 Considering the submissions made by learned advocate for applicant and averments made in application, I am satisfied that applicant has made out a case for following order.

A) Civil application is allowed in terms of prayer clause (a) and (b) which reads thus,

a) The Respondent Nos. 2A and 2B be brought on record as heirs and legal representatives of deceased original Respondent no.2 in the appeal and record and proceedings be amended.

b) The delay of 3 years and 291 days in filing abovesaid application be condoned.

B) Applicant to carry out amendment in First Appeal No.1101/2016 on or before 9.8.2019 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 the respondent private notice either by RPAD and/or hand delivery alongwith entire proceeding and file affidavit of service to that effect on or

before next date.

D) Applicant to file affidavit of service on or before 9.8.2019 failing which the civil application shall stand dismissed without referring back to the court.

E) Civil application is disposed of.

F) No order as to cost.

(K.K.TATED, J.)