

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3897 OF 2019
IN
FIRST APPEAL NO. 363 OF 2013

Rajbihari Pathak

..... Applicant

VERSUS

**Shardadevi Ramkhilavan Pathak,
Since deceased through legal heirs
Arun Kumar Pathak & Ors.**

..... Respondents

Mr.Gaurav Kothari, i/b. Mr.Ashish Mehta for the Applicant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.

DATE : 3rd JANUARY, 2020

P.C.

Learned counsel for the applicant states that the respondents are served with the copy of the civil application. The affidavit of service is already filed. None appeared for the respondents when the matter was called out. No affidavit in reply is filed.

2. I have heard learned counsel for the applicant and have perused the averments made in the civil application. The reasons are recorded in paragraphs 3 and 4 explaining delay in filing civil application and for seeking amendment to the appeal memo. Civil application is accordingly made absolute in terms of prayer clause (a). The legal heirs of the respondent no.1 are already on record as respondent nos. 2 to 6 and thus are not required to be impleaded again. The name of the respondent no.1 stands deleted. Civil application is accordingly disposed off in aforesaid terms. No order as to costs. Amendment to be carried out within one week from today. Re-verification is dispensed with.

[R.D.DHANUKA, J.]