

Dusane

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

**CIVIL APPLICATION NO.1643 OF 2017
IN
SECOND APPEAL NO.853 OF 2003**

Jalindar Bhimrao Pawar ...Applicants
(since deceased thru Legal
heirs) Mr. Shrikrushna Pawar & Ors.

Vs.

Tukaram Nagu Gajare (Decd.) ...Respondents
thru' Legal heirs Smt. Tayappa
Tukaram Gajare & Ors.

BHALCHANDRA
GOPAL DUSANE

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BHALCHANDRA
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Date: 2022.12.14
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Ms. Anusha P. Amin i/by Triyama Legal for
Applicants.

Mr. A.R. Patil, Additional G.P. for State-Respondent
nos. 3 and 4.

CORAM: MADHAV J. JAMDAR, J.

DATE: 13th DECEMBER, 2022

P.C.:

1. This Civil Application has been taken out to condone the delay in filing the application seeking setting aside abatement of the appeal and for bringing on record legal representatives of Appellant no.1. In another companion Second Appeal No. 851 of 2003, the Applicants have taken out Civil Application No. 1642 of

2017. By order dated 15th November 2017, the said application was allowed. The said order reads as under :

- “1. This Civil Application is to bring legal heirs of the Appellant no.1 (Jalindar Bhimrao Pawar) on record, who expired on 2 October 2013 and to condone the delay caused in preferring the present Civil Application.
2. For the reasons stated in paragraph nos. 6 and 7 of the Civil Application, a case is made out to allow the Civil Application. The Civil Application is accordingly allowed in terms of prayer clauses (a), (b) and (c), subject to costs of Rs.5,000/- to be paid by the Applicants to the High Court Legal Services Committee, Mumbai within a period of three weeks from today.
3. Amendment to be carried out within a period of two weeks.”

2. Learned Advocate appearing for the Applicants states that same order was passed in the present Civil Application, however, inadvertently the same has remained to be uploaded. In fact, the court papers show that order in Civil Application No. 1642 of 2017 in Second Appeal No. 851 of 2003 is kept on record in this Civil Application No.1643 of 2017. Thus, there is substance in the contention raised by the learned Advocate appearing for the Applicants.

3. Hence, Civil Application No. 1643 of 2017 is disposed of in terms of order dated 15th November 2017 passed in Civil

Application No. 1642 of 2017 in Second Appeal No. 851 of 2003.
Amendment to be carried out forthwith. Amended copy to be served on the Respondents within a period of four weeks from today.

(MADHAV J. JAMDAR, J.)