

Sonali

SONALI
MILIND
PATIL

Digitally signed by
SONALI MILIND PATIL
Date: 2023.01.09
16:06:58 +0530

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

**CIVIL APPLICATION NO. 101 OF 2015
IN
SECOND APPEAL NO.710 OF 1992**

Shri. Suresh Badrinarayan Oza & Ors. ...Applicants

In the matter between

Smt. Kauselyadevi Madanlal Upadhyay & Anr. ...Appellants

Versus

Mr. Hanumandas Shriramji Tapade ...Respondent

Mr. Nitin P. Deshpande, for the Applicants.

CORAM : MADHAV J. JAMDAR, J.

DATED : 7th JANUARY 2023

P.C. :

1. Heard Mr. Deshpande, learned counsel appearing for the Applicants.

2. This Civil Application is taken out for bringing on record the legal heirs of deceased Appellant No.2. There is considerable delay in filing the Civil Application, however the same is adequately explained.

3. Although affidavit in reply is filed, none appears for the

Sonali

Respondents. In the affidavit in reply one of the contention is raised that all heirs are not sought to be brought on record. However, Mr. Deshpande submitted that heirs which are mentioned in the application are the only heirs and legal representatives of deceased Appellant No.2.

4. For the reasons set out in the Civil Application, the same is allowed in terms of prayer clauses (A) and (B), subject to Applicants paying the cost of Rs.2,500/- to the Kirtikar Law Library within a period of one week from today.

5. Amendment be carried out within a period of 14 days from today.

6. The Civil Application is disposed of in above terms.

[MADHAV J. JAMDAR, J.]