

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

**CIVIL APPLICATION NO. 982 OF 2012
WITH
CIVIL APPLICATION NO. 983 OF 2012
IN
FIRST APPEAL (STAMP) NO. 5659 OF 2012**

Mates Pedru Mukadam
(since deceased)
by his legal heirs & Ors. .. Applicants/Appellants
Vs.

Saloot Pedhru Mukadam alias
Salvador Peter Mukadam
(since deceased)
by his legal heirs & Ors. .. Respondents

**WITH
CIVIL APPLICATION NO. 2791 OF 2016
IN
FIRST APPEAL (STAMP) NO. 5659 OF 2012**

Mukesh Yashwant Bhandari .. Applicants

In the matter between :

Mates Pedru Mukadam
(since deceased)
by his legal heirs & Ors. .. Appellants
Vs.

Saloot Pedhru Mukadam alias
Salvador Peter Mukadam
(since deceased)
by his legal heirs & Ors. .. Respondents

Mr.Anil Sakhare, Senior Advocate i/b Mr.Denzil D'mello, Advocate for appellants.

Ms.Nikita Bhavsar, Advocate I/b. N.P. Bhavsar, Advocate for respondent No.5.

CORAM : A.S. CHANDURKAR, J.

DATE : 21ST NOVEMBER 2018

P.C.

CIVIL APPLICATION NO. 982 OF 2012

1 Issue fresh notice to the un-served non-applicants, returnable on 15th January 2019.

Humdast granted.

CIVIL APPLICATION NO. 983 OF 2012

2 It is submitted by Shri Sakhare, learned Senior Counsel for the applicants that pursuant to the decree passed by the Trial Court, the execution proceedings have been filed and the decree is put to execution. The learned Senior Counsel has relied upon the additional affidavit dated 16th October 2018 to indicate such steps being taken in Execution Application No.89 of 2016.

3 As notices have been issued on the application for condonation of delay, the present position would have to be maintained. Issue notice, returnable on 15th January 2019. Applicants are at liberty to serve the non-applicants, in addition, by private service.

4 Ad-interim relief in terms of prayer clause (a) till the returnable date.

(A.S. CHANDURKAR, J.)