

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CIVIL APPLICATION NO.2739 OF 2013 IN
LETTERS PATENT APPEAL NO.238 OF 2011 IN
WRIT PETITION NO.473 OF 2000

(Gangadhar s/o Dnyaneshwar Sadhu & anr. Vs. Mesaji s/o Laxman Ubare & ors.)

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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Shri G.K. Naik-Thigale, Advocate for applicant

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CORAM : S.V. GANGAPURWALA AND
 A.I.S. CHEEMA, JJ.

DATED : 17th April, 2015.

1. Mr. Thigale, learned counsel for the applicant submits that the respondent No.4-E was dead on 26.2.2006 i.e. during the pendency of the writ petition itself. The original writ petitioners did not bring the legal heirs of present respondent No.4-E on record of the writ petition. The present applicants got the knowledge of death of respondent No.4-E in January 2013, after the report is received.

2. It does not appear that the applicants, at any material point of time, had the knowledge of factum of death of respondent No.4-E as legal heirs of respondent No.4-E herein were not brought on record during the pendency of the writ petition also. The respondents No.4-E/1 to 4-E/8 are served. None appears for them. The averments made in the application are uncontroverted. In light of the above and for the reasons stated in the application, the Civil Application is allowed in terms of prayer clauses (B) and (C). Necessary amendment to be carried out within 14 days. Civil Application disposed of. No costs.

(A.I.S. CHEEMA, J.) (S.V. GANGAPURWALA, J.)