

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7909 OF 2015
WITH
CIVIL APPLICATION NO.9311 OF 2015
IN
WRIT PETITION NO.1501 OF 1997

Pushpa Sahebrao Patil (Deceased) APPLICANT
Through her legal heir-husband,
Sahebrao S/o Himmatrao Patil

VERSUS

Zilla Parishad, Jalgaon RESPONDENTS
and others

Mr.Kalyan Patil h/f Mr.S.R.Barlinge, Advocate for the applicant.
Mr.P.B.Patil, Advocate for respondent Nos. 1 and 2.
Mr.D.R.Korde, AGP for respondent Nos.3 and 4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 04/12/2015

PER COURT :

1. The applicant prays for bringing the legal heirs of the deceased Pushpa Sahebrao Patil on record. Since the matter was admitted by this Court on 21/04/1999 and no interim relief was granted, the legal heirs lost sight of the matter. Only after it was listed for final hearing, that the applicants realized that they need to be brought on record owing to the death of the petitioner on 20/03/2008.

2. Mr.Patil, learned Advocate appearing on behalf of respondent Nos. 1 and 2, opposes the application. He submits that the reasons are not satisfactory. Delay of 2481 days is inordinate. In the alternative, he submits that if this Court is inclined to allow this application, heavy costs may be imposed and the said costs be donated to the Advocate Associations' Bar Library, High Court, Aurangabad.

3. I have considered the submissions advanced by Mr.Patil on behalf of the applicant and Mr.P.B.Patil on behalf of the respondent.

4. Considering the same and the fact that the petition has been admitted by this Court long ago, the civil application is allowed. Delay is condoned. Costs of Rs.1,000/- shall be deposited by the petitioner to the Advocate Associations' Bar Library, High Court, Aurangabad on or before 07/12/2015. Legal heirs be brought on record in the petition forthwith.

5. By consent of the parties, writ petition No.1501/1997 be listed for final hearing on 09/12/2015.

6. Both the civil applications are allowed and Order of abatement is recalled.

(RAVINDRA V. GHUGE, J.)