

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH  
AT AURANGABAD**

**CIVIL APPLICATION NO. 4829 OF 2015  
IN  
WRIT PETITION NO. 944 OF 1999**

Kacharu Babu Bhingardive and Others .. Applicants

**Versus**

The State of Maharashtra and Others .. Respondents

Smt. Charuta Sunil Deshmukh, Advocate for the Petitioners

Shri S. G. Sangle, A. G. P. for the Respondent / State

Shri Alok Sharma, Senior Standing Counsel for the Repsondent No. 6

**WITH  
CIVIL APPLICATION NO. 4830 OF 2015  
CIVIL APPLICATION NO. 4831 OF 2015**

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

**DATE : 30TH APRIL, 2015.**

**PER COURT :**

1. The original writ petition is filed by 17 petitioners. The present civil applications are filed for bringing on record the legal heirs of deceased Petitioner Nos. 3, 5 and 6 respectively. The learned counsel for the applicants states that, it is only when the matter is listed for final hearing the petitioners contacted the advocate and at that time the factum of death of Petitioner Nos. 3, 5 and 6 was pointed out. The learned counsel submits that, as there are other petitioners

who could have prosecuted the petition, writ petition would not have abated.

2. We have heard the learned counsel for State and Union of India. According to the learned counsel, no sufficient cause is stated for bringing on record legal heirs of deceased Petitioner Nos. 3, 5 and 6 within stipulated time.

3. We have considered the submissions. The abatement has to be strictly construed and an application for setting aside the abatement has to be liberally construed. Even otherwise the petition is filed by 17 petitioners and the writ petition would still have been continued.

4. The averments made in the applications are not controverted by the respondents by filing any affidavit. For the reasons stated in the applications the applications are allowed in terms of prayer clause 'B' and 'C'. The Civil Applications disposed of.

**[ A. I. S. CHEEMA, J. ]**

**[ S. V. GANGAPURWALA, J. ]**

sam/April. 15