

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.792 OF 2013
IN
WRIT PETITION NO.765 OF 2011**

Shiva Natha Patil (deceased) through LRS	..Applicants
Vs.	
Indubai Shamrao Patil (deceased) through LRS	..Respondents

Mr. V. B. Rajure for the Applicants

**CORAM : R. M. SAVANT, J.
DATE : 14th JANUARY, 2015**

P.C.

1 The above Civil Application has been filed for bringing the heirs of the Petitioner on record. It appears that the Petitioner has expired on 15-10-2012, however the registration in the birth and death register is made on 5-12-2012 and the instant application has been filed on 14-1-2013. Having regard to the registration which has taken place on 5-12-2012 of which knowledge would have to be attributed to the Applicants, the above Civil Application filed on 14-1-2013 is therefore within time. Hence the office note indicating that there is a delay of 25 days seems to be erroneous.

2 Be that as it may, the Learned Counsel for the Applicants has also filed an affidavit of service disclosing that the Respondents including the heirs of the Respondent No.7 have been served. The Civil Application is therefore allowed resultantly the heirs of the Petitioner are allowed to be brought on

record. If the proceedings are held to be abated, the same would also stand set aside. Amendment to be carried out within two weeks from date. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]