

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2201 OF 2013
IN
WRIT PETITION NO.1494 OF 2001**

Ramu Bapu Mali

..Applicant

Vs.

Shankar Babanna Chikode (decease) through LRs & Ors.

..Respondents

Ms A.R.S.Baxi for the Applicant

Mr. Mahesh Rawool i/b Mr. P. B. Shah for the Respondent Nos.1A to 1C & 1E

None for the heirs of the Respondent No.2.2

CORAM : R. M. SAVANT, J.

DATE : 30th MARCH, 2015

P.C.

1 The above Civil Application has been filed for bringing the heirs of the Respondent No.2.2 on record and for condonation of delay of 2 years and 81 days in filing the above Civil Application. The reasons why the delay has occasioned in filing the above Civil Application have been mentioned in paragraph 2. The sum and substance of the reasons is that the Applicant has acquired knowledge of the death of the Respondent No.2.2 sometime in January 2013 and thereafter the said information is furnished to the Advocate for the Applicant and that the instant Civil Application has thereafter been filed resulting in the delay of 2 years and 81 days in filing the above Civil Application. None appears for the heirs i.e. Respondent Nos.2.2.1 to 2.2.3 though served. Hence accepting the reasons mentioned in the above Civil

Application, the same is allowed, resultantly the heirs of the Respondent No.2.2 are allowed to be brought on record. Amendment to be carried out within 2 weeks from date.

2 On amendment being carried out, issue notice to the said heirs of the Respondent No.2.2 i.e. the Respondent Nos.2.2.1 to 2.2.3, returnable after 6 weeks. In addition to service of notice through Court, the advocate for the Applicant shall serve a private notice by Registered Post A.D. and/or by Courier service and/or by hand delivery on the Respondents and shall file affidavit of service before the returnable date.

3 The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]