

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2055 OF 2015
IN
WRIT PETITION NO.7461 OF 2002**

**Shree Krishna Co-op. Housing Society Ltd
Through its Vice Chairman
Shri Bhagwanrao Nagoji Kawale : Applicant/Petitioner
versus
Akkatai Ganpati Farakate
since deceased
Smt. Indubai Chunilal Sharma
Since deceased
Sou.Sunita Dhondiram Kurne and ors. : Respondents.**

**Mr. N V Bandiwadekar for the Applicant.
Mr. P M Arjunwadkar for the Respondent Nos.1(a), 1(b), 2(a) to 2(c), 3, 6,
8, 9(a) to 9(d), 10(a), 11(a) and 12.**

**CORAM : R. M. SAVANT, J.
DATE : 30th September 2015**

P.C.

1 The above Civil Application has been filed for bringing the heir of the Respondent No.15 on record and for condonation of delay in filing the Civil Application. The reasons for the delay find a place in the Civil Application.

2 The learned counsel appearing for the Applicant Shri Bandiwadekar states that the Respondent No.15 has three heirs who are shown as Respondent Nos.15(a) to 15(c). In so far as Respondent Nos.15(a) and 15(c) are concerned, the learned counsel Shri Bandiwadekar states that they have been served and he has the acknowledgement of the said Respondents.

However, in so far as the Respondent No.15(b) is concerned, the acknowledgement is awaited, though the notice has already been sent. The learned counsel for the Applicant Shri Bandiwadekar states that the affidavit of service would be filed within one week from date.

3 In my view, since the Respondent Nos.15(a) and 15(c) are already served and since the other heirs of the Respondents who are represented by learned counsel Shri P M Arjunwadkar have already been allowed to be brought on record, there is no impediment in allowing the instant Application. The above Civil Application is accordingly allowed. Resultantly, the heirs of the Respondent No.15 are allowed to be brought on record. Amendment to be carried out within two weeks from date. The learned counsel appearing for the Applicant Shri Bandiwadekar may endeavour to complete the service on the Respondent No.15(b) prior to the next date. After the amendment is carried out, list the above Petition for directions after three weeks. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed Order.