

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CAO NO. 907/2010, 908/2010 & 909/2010 IN
MCA NO. 363/2005 IN WRIT PETITION NO. 687 OF 1991
(Smt. Bhagirathibai w/o Dhansukh Gadodiya vs. Municipal Council, Shegaon thr. its CEO & Ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
A.P. BHANGALE, JJ.
JANUARY 12, 2015.**

Heard Shri R.A. Haq, learned counsel for the applicant/ petitioner and Shri P.B. Patil, learned counsel for respondent Nos. 3(a) to 3(c).

These three applications are moved by the legal heirs of the deceased petitioner pointing out that the petitioner expired on 29.09.2008 and legal heirs were not aware of either the pendency of the matter or the requirement of getting their names on record. The prayer, therefore, is to set aside the abatement, if any, and to condone delay for that purpose and for the purposes of permitting legal heirs to come on record.

Civil Applications are filed sometimes in the year 2010. As yet, the contesting respondent i.e. Municipal Council has not filed any reply. The subject matter of the petition is removal of the alleged encroachment made by the private respondents on the land of the petitioner. The petition is already admitted way back in the year 1991 and cause of action still subsists.

Shri Patil, learned counsel states that he is still awaiting instructions.

In the circumstances, we condone the delay and permit the legal heirs of the deceased petitioner to come on record.

CA NOS. 1122/2013, 1123/2013 & 1124/2013.

The prayer is to permit legal heirs of the deceased Respondent Nos. 3, 5 & 20 to come on record.

Shri Patil, learned counsel for legal heirs of deceased respondent No. 3 states that he is still awaiting instructions. No reply is filed by the said respondents. Nobody appears for respondent Nos. 5 & 20.

We, therefore, grant said applications. Legal heirs be brought on record within one week.

CAW NO. 1125/2013

The prayer is to permit deletion of Respondent Nos. 22 and 29.

At the risk of the petitioner, deletion of said respondents is granted. The necessary deletion be carried out within one week.

List Writ Petition No. 687 of 1991 on 22.01.2015 for further consideration. The parties to note that the Court may dispose of the petition finally on the next date, if it is otherwise convenient to it.

JUDGE

JUDGE