

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1854/2014

(W.C.L., CHANDRAPUR **VERSUS** STATE OF MAH. & OTHERS)

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

Court's or Judge's orders

Shri R.A. Jain, counsel for the petitioner.
 Shri S.M. Bhagde, A.G.P. for the R-1.
 Shri Abhay Sambre, counsel for the R-3.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : MAY 6, 2015.

C.A.W. NOS.3861/2014, 3862/2014 & 3863/2014.

By these civil applications, the applicant-petitioner seeks the condonation of delay in filing the application for bringing the legal heirs of deceased respondent no.3 on record and for setting aside abatement, if any. The applicant also seeks permission to bring the legal heirs of deceased respondent no.3 on record.

It is stated on behalf of the applicant that though the respondent no.3 had expired in the year 2006, the applicant did not have knowledge about the death of the respondent no.3. It is stated that the applicant became aware about the death of the respondent no.3 in the month of November-2014 when the matter was listed before the Hon'ble Registrar for non-removal of Office objection in regard to the service to the respondent no.3. It is stated that the applications are filed within a period of ninety days from the date of knowledge of the death of the respondent no.3.

On hearing the learned counsel for the parties and on a perusal of the applications, we allow the prayers made in Civil Application No.3861 of 2014 and 3862 of 2014. Since the delay in filing the application for bringing the legal heirs is condoned and the abatement, if any, is set aside, we allow Civil Application No.3863 of 2014 and permit the applicant to bring the legal heirs of deceased respondent no.3 on record.

The necessary amendment should be carried out within a period of one week.

The civil applications are allowed and disposed of.

Learned counsel Shri Abhay Sambre waives notice of hearing on behalf of the legal heirs of the respondent no.3.

JUDGE

JUDGE

APTE