

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5553 OF 2016
WITH
CIVIL APPLICATION STAMP NO. 37923 OF 2015
IN
WRIT PETITION NO. 1358 OF 2015

Shivaji s/o Gunaji Shelke ... Applicant

Versus

Kishan s/o Vithal Sakhare and others ... Respondents

.....
Mr. S. V. Natu, Advocate for applicant
Mr. J. R. Patil, Advocate for respondents No. 1 to 5

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 29th APRIL, 2016

ORDER :

1. Learned counsel for the applicant states that he has already filed civil application for bringing legal heirs of respondent No.3 on record, well within time. However, in the meanwhile, matter came to be dismissed for non removal of office objections. Under the circumstances, it is being requested that the order of dismissing the writ petition for non removal of office objections be set aside.

2. In the circumstances, Civil Application No. 5553 of 2016 is allowed.

3. Since the civil application has been filed within time as contended by learned counsel for petitioner, civil application stamp No. 37923 of 2015 for bringing legal heirs of respondent No.3 on record, accordingly is allowed.

4. Necessary amendment be carried out.

5. Learned counsel appearing for the respondents points out that as on the date he has no instructions to appear for legal heirs of respondent No.3.

6. Issue notice in writ petition, to the legal heirs of respondent No.3.

7. Both the civil applications stand disposed of.

(SUNIL P. DESHMUKH, J.)

sms