

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVILAPPLICATION NO.11110 OF 2015
IN
WRIT PETITION NO.5690 OF 2012

DEEPAK SHANKAR PAWAR

APPLICANT

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

RESPONDENTS

Mr.G.S.Rane, Advocate for the applicant.

Mr.V.B.Jagtap h/f Mr.V.D.Sapkal, Advocate for respondent No.5.

Mr.D.R.Korde, AGP for respondent Nos. 1 to 4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 15/01/2016

PER COURT :

1. The applicant/original petitioner seeks leave to add the legal heir of deceased respondent No.5 in the petition and further prays for addition of paragraph nos.16A and 16B and prayer classes AA and BB in the petition.

2. Contention is that respondent No.5 has passed away. The petition is with regard to the cancellation of semi wholesale kerosene license that was granted to respondent No.5. Now that the said license has been transferred in the name of the proposed respondent, the petitioner has no option but to amend the petition for questioning

the license held by the proposed respondent.

3. Learned Advocate for the proposed respondent submits that he is the legal heir of deceased respondent No.5. However, transfer of license in the name of the son after the father has passed away is a creation of a GR dated 24/11/2000. Any grievance with regard to the said transfer will have to be raised before an appropriate authority. An alternate remedy is available for the petitioner and hence this application be rejected.

4. I have considered the submissions of the learned Advocates. In so far as addition of the proposed respondent as a legal heir of deceased respondent No.5 is concerned, the said request is allowed.

5. In so far as the proposed amendment and the proposed prayer clauses are concerned, ends of justice would be met by allowing this application and by keeping the issue of alternate remedy open to be canvassed by the added respondent.

6. In the light of the above, this civil application is allowed in terms of prayer clause A. The issue with regard to the amended paragraphs and prayer clauses and the issue of alternate remedy are

kept open. Added respondent is at liberty to file an affidavit in reply to the writ petition.

(RAVINDRA V. GHUGE, J.)