

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.569 OF 2016
IN
WRIT PETITION NO.81 OF 1994

Kasim Gulab Mulla & Ors.

.. Applicants

-Versus-

Balkrishna Baburao Gore and Ors.

..Respondents

Mr. Tejpal Ingale for applicants

CORAM : K.K.TATED, J.

DATE : 6th September 2016.

P.C.

1] Heard learned Counsel for the applicant. This application is for bringing on record the legal heirs of the deceased petition No.1 who died on 5th November 2010. The civil application is filed on 3rd February November 2011 i.e. the same is within time.

2] Considering the submissions made by the learned Counsel for the applicant and as the same is filed in time, I am satisfied that applicant has made out a case for following order:-

(i) The civil application is allowed in terms of prayer clauses (a) and (b) which read thus:-

(a) The names of applicant Nos. 1(a) to 1(d) be brought on record of the abovesaid Writ Petition No.81 of 1993 as the legal heirs and representatives of deceased petitioner No.1 and the record and proceeding be permitted to amend accordingly.

(b) The abatement of the abovesaid writ petition if any in law against the deceased petitioner No.1 be kindly set aside.

(ii) The applicant to carry out amendments within four weeks from today, failing which the civil application shall stand dismissed without reference back to this court.

(iii) If amendment is carried out within stipulated time as stated hereinabove, the applicant to serve the amended copy of the petition on respondents and their Advocates immediately.

(iv) C.A. Disposed of.

(K.K.TATED, J)