

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 636 OF 2016
IN
WRIT PETITION NO. 10213 OF 2004**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Diksha Hapawat i/b M/s. Ganesh & Co. for the Applicant.

Mr. V. S. Gokhale for the Respondent nos. 1 to 5.

CORAM : K. K. TATED, J.

DATED : 11/04/2016

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by legal heirs of petitioner who died on 22.01.2012 for joining them as petitioners in Writ Petition.

3 The learned Counsel for the applicant submits that for want of knowledge about the pendency of the present Writ Petition to the legal heirs of deceased petitioner, there is delay in preferring the Civil Application. In support of this contention, the learned Counsel for the applicant relies on paragraph 9 of the Civil Application.

4 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has

made out the case for allowing the civil application. At the same time, there is delay of 1370 days in preferring the present Civil Application and for that purpose, applicant has to pay cost of Rs.5,000/- to the respondent.

5 Hence, following order is passed:

a) Delay in preferring the Civil Application is condoned.

b) Abatement is set aside.

c) Applicant is permitted to bring the legal heirs on record of deceased Petitioner Mr. Behram Godrej Anklesaria in Writ Petition No. 10213 of 2004 on or before 04.05.2016, failing which civil application shall stand dismissed without referring back to the court .

d) If amendment is carried out within stipulated time as stated herein above, applicant to serve the amended copy of Writ Petition on Respondent's Advocate immediately thereafter.

e) Applicant to pay cost of Rs.5,000/- to the respondents or their Advocate on or before 30.04.2016.

f) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)