

FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO.643/2016  
IN  
WRIT PETITION NO.3103/2006

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| 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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Mr. Rohit Joshi i/b. Gauri Godse for the applicant  
Mr. Sandeep Mahadik i/b. S. H. Joshi for the Respondent No.1.

**CORAM : K. K. TATED, J.**  
**DATE : MARCH 18, 2016**

**P.C.:**

1. Heard. This application is for bringing legal heirs on record of deceased sole Petitioner who died on 16.02.2011.

2. The learned counsel for the applicant submits that the legal heirs were not aware about the procedure to be adopted for bringing them on record. As such, there is delay in making the Civil Application. In support of this contention, the learned counsel for the applicant relies on paragraph 3 of the Civil Application. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in making the Civil Application and allow the applicant to join as Petitioner in the Writ Petition.

3. The learned counsel for the Respondent vehemently opposed the Civil Application. He submits that the Applicant has not shown sufficient cause for allowing the Civil Application. Hence, there is no substance in the Civil Application. Same be dismissed with costs.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in paragraph 3 of the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, the applicant has to deposit cost of Rs.1500/-. Cost to be deposited in the office of the Maharashtra State Legal Services Authority, High Court, Bombay, within 4 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

5. Hence, the following order:

- a) Delay in making the Civil Application is condoned.
- b) Abatement is set aside.
- c) The applicant is permitted to carry out appropriate amendment in cause title of the Writ

Petition by bringing on record the legal heirs of sole Petitioner within 4 weeks from failing which the Writ Petition shall stand dismissed without further reference to the court.

d) If amendment is carried out within stipulated time as stated hereinabove, the Applicant is directed to serve an amended copy of the Writ Petition, if any, on the other side, immediately thereafter.

e) Civil application stands disposed off accordingly.

**JUDGE**