

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPLICATION NO. 1854 OF 2015**  
**IN**  
**WRIT PETITION NO. 7899 OF 2014**

Anandi Bahubali Upadhye  
through Power of Attorney Bahubali  
Upadhye & Anr.

.. Applicants

V/s

Ajit Nabhiraj Upadhye  
since deceased through LR.

.. Respondents

Mr. Abhijeet Desai with Ms. Vrushali Maindad for the applicants.  
None for the respondents.

**CORAM: D.H. WAGHELA, CJ.**

**DATE : 10<sup>th</sup> JUNE 2016**

**P.C.:**

The civil application is filed for bringing the heirs of original respondent no.1 on record as respondent nos.1A to 1C.

2. In the order dated 30<sup>th</sup> September 2015 herein, it is recorded that appearance has already been filed on behalf of respondent nos.1 to 4 by learned advocate Shri Dhairyasheel Sutar and hence the need to serve the respondents is obviated.

3. By filing an affidavit of learned counsel Ms. Vrushali Maindad, it is stated that the aforesaid order dated 30<sup>th</sup> September

2015 has been complied by serving copies of the application together with the writ petition on learned counsel Mr. Dhairyasheel Sutar on 5<sup>th</sup> October 2015. It is also stated that another proceeding in the form of Second Appeal No. 266 of 2009, practically amongst the same parties, is also pending before this Court and in that second appeal, respondent nos.1A to 1C are already joined as respondents.

4. On the other hand, an order dated 28<sup>th</sup> August 2014 in the main Writ Petition No. 7899 of 2014 is made to the effect that, in view of the narrow controversy, the parties were put to notice that the writ petition may be heard and disposed of finally at the stage of admission, and in the meantime ad-interim relief in terms of clause (d) was granted.

5. Under the circumstances, it would appear that two parallel proceedings are going on in this Court and an ad-interim relief is operating since 28<sup>th</sup> August 2014 without the matters being heard in spite of peremptory order for final hearing and disposal at the admission stage.

6. Since no one is present today for the respondents and the application is not opposed by filing any reply, in spite of receipt of notice and copies of the civil application by learned counsel for the respondents, the application is allowed so as to bring on record respondent nos.1A to 1C as legal representatives of original

respondent no.1. The petition may be amended accordingly. The amendment to be carried out immediately.

7. In the peculiar facts of the case, the main Writ Petition No. 7899 of 2014 and the related Second Appeal No. 266 of 2009 may be listed before the same Court on 27<sup>th</sup> June 2016 as suggested by learned counsel for the petitioners. The ad-interim relief granted earlier in the main writ petition shall continue to operate till then.

8. Civil Application stands disposed with no order as to costs.

**(CHIEF JUSTICE)**