

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

CIVIL APPLICATION NO. 1366 OF 2015
IN
WRIT PETITION NO. 5960 OF 1995

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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Mrs. Pratibha Shelke i/b Mr. P.J. Thorat for the Applicants.

Mr. V. Mannadiar for Respondent Nos.6(a) and 6(b).

CORAM : K.K. TATED, J.

DATE : 05 MAY, 2016.

P.C. :

1 Heard learned counsel for the parties.

2 This Application is for bringing legal heirs on record for deceased Respondent No.6 Smt. Taragauri Babubhai Shah who added on 25.11.2000. Advocate for applicants submits that they learnt about the death of respondent No.6 when they received a letter dated 16.07.2014 from M/s. Mannadiar & Co. advocates for respondents. Thereafter they preferred the present Civil Application on 11.08.2014. The Advocate for the applicants submits that in the interest of justice this Hon'ble Court be pleased to condone the delay in preferring Civil Application and allow the petitioner to bring the legal heirs on record of respondent No.6.

3 On the other hand the learned counsel Mr. Mannadiar appearing on behalf of legal heirs of deceased respondent No.6, filed affidavit in reply dated 04.05.2016. He submits that the applicants on one or the other ground is prolonging the present litigation. He submits that landlords are senior citizens.

4 Considering the submission made by the learned counsel for the applicants, averments made in the Civil Application and the reasons disclosed by the applicants that they learnt the death of Respondent No.6 by letter dated 16.07.2014 and application filed on 11.08.2014, I am of the opinion that applicants have made out case for allowing this Civil Application. Hence following order :

a) delay in preferring Civil Application is condoned.

b) Abatement is set aside.

c) Applicants are permitted to bring legal heirs on record of deceased respondent No.6 in Writ Petition No.5960 of 1995 on or before 07.06.2016, failing which the Civil Application shall stands dismissed without referring back to the Court.

d) If amendment is carried out within stipulated time as stated herein above, applicants to serve the amended copy of Writ Petition on respondents or their Advocate thereafter immediately.

e) The learned counsel Mr. Mannadiar waives service for newly added respondent Nos.6-a and 6-b in Writ Petition No.5960 of 1995.

5 Civil Application stand disposed of accordingly.

(K.K. TATED, J.)