

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION (STAMP) NO. 22090 OF 2016
IN
WRIT PETITION NO. 10501 OF 2015**

Shri Dnyaneshwar Laxman Pasalkar & Ors. ... **Applicants.**

Versus

Smt.Barkabai Kondiba Pathare
Since deceased through her LRS
Smt.Savitrabai U. Gawade & Ors.

... **Respondents.**

Mr.Sanjiv A. Sawant for the Petitioner.
Mr.Sachin Kankal, AGP for Respondent No.9-State.
Mr.Drupad Sopan Patil for Respondent Nos.2A to 2E.

CORAM : K.K. TATED, J.

DATE : 4TH OCTOBER, 2016.

P.C. :

1] Not on board. At the request of the Advocate for the applicants, the matter is taken on board for order.

2] Heard the learned counsel for the parties.

3] This application is for deleting the name of respondent no.4 (Smt.Kanta Rajaram Gaikwad) from the cause title of petition and showing respondent nos.5, 6 and 7 as legal heirs of deceased respondent no.4.

4] The learned counsel for the applicant submits that respondent no.4 is expired. He submits that they learned about the death of respondent no.4 when the matter was listed before this Court on 27th July, 2016 on the basis of bailiffs report. Thereafter, they made enquiry and learned that respondent nos.5, 6 and 7 are the legal heirs of deceased respondent no.4. Hence, there is delay in preferring the present Civil Application. He submits that in the interest of justice this Hon'ble Court be pleased to condone the delay and allow the applicant to delete respondent no.4, showing respondent nos.5, 6 and 7 as legal heirs of deceased respondent no.4.

5] Considering the submission made by the learned counsel for the applicant and reasons disclosed in paragraph (4) of the Civil Application, I satisfied that the applicant has made out a case for allowing this Civil Application, hence following order;

- i) Civil Application is allowed in terms of prayer clause (a) and (b), which reads thus;

“(a) This Hon'ble Court be pleased to permit the delete the Respondent No.4 from record and Respondent No.5, 6 and 7 be treated as legal heirs of Deceased Respondent No.4 and the applicant be permitted to carry out the necessary amendment;

(b) This Hon'ble Court be pleased to condone the

delay if any cause in filing the present civil application.”

- ii) The applicant to carry out amendment within two weeks from today in Writ Petition No.10501 of 2015.
- iii) Amended copy to be served on respondents or their Advocates immediately thereafter.
- iv) Civil Application stands disposed of accordingly.

(K.K. TATED, J.)