

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10281 OF 2016**

**Shri Pandurang Ramchandra Babar (Decd)
through LRS & Ors.**

..Petitioners

Vs.

Bhalchandra Pandharinath Kate & Ors

..Respondents

**Mr. A. P. Kulkarni a/w Mr. M. M. Badgujar for the Petitioners
Ms Shefali Kumar i/b Mr. Sushil Nimbalkar for the Respondent Nos.1 to 5
Mr. S. H. Kankal AGP for the Respondent No.6**

CORAM : R. M. SAVANT, J.

DATE : 21st NOVEMBER, 2016

P.C.

1 The order supposedly passed on 29-8-2016 rejecting the application for bringing the heirs of the original Applicant No.1 and original Opponent Nos.4 and 5 in the proceedings before the Additional Commissioner, Pune, is taken exception to by way of the above Petition. The word supposedly is used in the context of the fact that neither the order nor the date of the order is legible. However, the parties are ad-idem that the application filed by the Petitioners herein has been rejected. The Learned Counsel appearing for the Respondent Nos.1 to 5 has no objection if the heirs are allowed to be brought on record before the Additional Commissioner, Pune.

2 In my view, the Learned Counsel appearing for the Respondent Nos.1 to 5 has taken a fair stand in the light of the fact that the order is not

legible and that remanding the matter back would unnecessary delay the proceedings. Hence the impugned order rejecting the application stands set aside, the heirs of the original Applicant No.1 and original Opponent Nos.4 and 5 are allowed to be brought on record. Amendment in the proceedings before the Additional Commissioner to be carried out within 4 weeks from date. Amended cause title to be served on the Respondent Nos.1 to 5 herein after the amendment is carried out. The Additional Commissioner may thereafter hear and decide the main application expeditiously. Both the Learned Counsel are agreeable to the cause tile of the Revision Application pending before the Additional Commissioner to be in the same terms as the cause title of the above Petition.

3 With the aforesaid observations, the Writ Petition is disposed of.

[R.M.SAVANT, J]