

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

**CIVIL APPLICATION NO.953/2016
IN
WRIT PETITION NO.8828 OF 2004**

Mr.Dinesh Damji Gogri & Anr. ... Applicants/Petitioner
No.2a and 2b

In the matter between

Mr. Damji Devshi Gogri & Anr. ...Petitioners
V/s.

Fasal Abbas Ghulam Hussain & Anr. ... Respondents

Mr. M. K. Tanna i/b Mr. P. M. Shah for the applicants.

**CORAM: K.K. TATED, J.
DATED : 22nd APRIL, 2016**

P.C. :

. Heard learned counsel for the applicant.

2. This application is for bringing legal heirs on record of Petitioner Nos.1 and 2 viz., Mr.Damji Devshi Gogri and Velbai Damji Gogri, who died on 5/10/2014 and 7/10/2014 respectively. This application is filed on 28/11/2014 which is within time.

3. Considering the submissions of learned counsel for the applicants and the averments made in the application, I am of the view that the applicants has made out a case for allowing the Civil

Application. Hence the following order is passed:

ORDER

(i) Civil Application is allowed in terms of prayer clause (b) which reads thus:

“(b) the legal heirs and representatives of the petitioners Nos.1 and 2 as per Schedule annexed hereto be brought on record”

(ii) The applicant to carry out appropriate amendment in Writ Petition No.8828/2004 on or before 12/6/2015 failing which the Civil Application stands dismissed without referring back to the Court.

(iii) If amendment is carried out within stipulated time as stated above, the applicants are directed to serve the amended copy of writ petition on the respondents or their advocate.

(iv) Civil Application is accordingly disposed of.

(K.K. TATED, J.)