

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1444 OF 2016
IN
WRIT PETITION NO. 10233 OF 2012

Mangesh Ambadas Kulkarni & Anr.	.. Applicants
V/s	
The Government of Maharashtra & Ors.	.. Respondents
And	
Kiran Sadashiv Rakh & Ors.	.. Proposed Respondents

Ms. Rashmi Patil i/b S.K. Srivastav & Co. for the applicants.
Mr. S.D. Rayrikar, A.G.P. for respondent nos.1 to 4.

CORAM: D.H. WAGHELA, CJ.

DATE : 9th AUGUST 2016

P.C.:

The applicants herein are the original petitioners in the main petition and have filed the present application to join the proposed respondent nos.2(a) to 2(c) as heirs and legal representatives of original respondent no.2 in the petition. The original respondent no.2 is stated on affidavit to be also known as Sadashiv Govind Rakh and, according to the death certificate annexed with the application, he has passed away on 23rd August 2012.

2. After the initial order dated 27th June 2016 herein, notices to the proposed respondent nos.2(a) to 2(c) have been issued so as to make them returnable today. Learned counsel for the applicants submitted that even as the applicants have tried to directly serve the proposed respondents by Registered Post A.D., the acknowledgments are not as yet received. Therefore, by filing an affidavit of the court clerk, it is stated with the support of tracking report of “India Post” that the proposed respondents have already received the packets containing civil application. Even otherwise, no advocate appearing for the original respondents is present except learned A.G.P, who has expressed no objection to allowing the application.

3. Under the circumstances, the application is allowed and the proposed respondent nos.2(a), 2(b) and 2(c) are ordered to be substituted in the original petition for original respondent no.2 as his heirs and legal representatives. Necessary amendment shall be carried out in the original petition. Accordingly the application stands allowed with no order as to costs.

(CHIEF JUSTICE)