

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

CIVIL APPLICATION NO.45 OF 2016
IN
WRIT PETITION NO.3047 OF 2014

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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Mr.Ajit Savagave for the applicant

Mr.Wasim Simliwale i/b Mr.Umesh Mankapure for the respondent no.1

CORAM : K. K. TATED, J.

DATE : JUNE 10, 2016

P.C.:

1 Heard the learned counsel for the applicant and the learned counsel for the respondent no.1.

2 This application is for restoration of Writ Petition No.3047 of 2014 against respondent no.2 which was dismissed in view of conditional order dated 9.10.2015 passed by this court.

3 The learned counsel for the applicant submits that inadvertently there was delay on the part of applicant to prefer appropriate application for bringing legal heirs on record. He submits that they have already filed Civil Application No.44 of 2016 on 14.12.2015 for bringing legal heirs on

record of deceased respondent no.2. He submits that in the interest of Justice, this Hon'ble Court be pleased to restore the Writ Petition against respondent no.2.

4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as applicant already filed Civil Application No.44 of 2016 for bringing legal heirs on record of deceased respondent no.2, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) Delay in preferring Civil Application is condoned.
- b) Order dated 9.10.2015 is recalled to the extent of dismissal of Writ Petition against respondent no.2.
- c) Writ Petition is restored against respondent no.2.
- d) Civil application stands disposed of accordingly.

JUDGE