

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

**CIVIL APPLICATION NO.994 of 2016
IN
WRIT PETITION NO.1307 OF 2015**

Shri Ganesh Vithoba Kamath ... Applicant /Orgn. Defendant

V/s.

Mr. Dayanand Ramchandra
Chaudhary (deceased)

...Respondents/Orgn. Plaintiff

And

1A Smt. Ranaprabha wd/o Dayanand
Chaudhari

... Proposed respondents

Ms. Rekha C. Shukla for the applicant.

Ms. Anuja Amin i/b Mr. S. D. Patil for the respondent.

CORAM: K.K. TATED, J.

DATED : 22nd APRIL, 2016

P.C. :

. Heard learned counsel for the parties.

2. Learned counsel for the respondent submits that she has received instructions to appear on behalf of legal heirs of deceased respondent.

3. This application is preferred by the applicant/defendant for bringing legal heirs on record of the deceased respondent who died on 3/10/2015. Civil Application is filed on 11/12/2015 which is within time.

4. Considering submissions made by the learned counsel, I am satisfied that the applicant has made out a case for the following order:

ORDER

- (i) Civil Application is allowed.
- (ii) The applicant is permitted to bring legal heirs on record of deceased Dayanand Ramchandra Chaudhary, respondent/plaintiff in W.P. No.1307/2015.
- (iii) Amendment to be carried out on or before 17/6/2016, failing which the Civil Application shall stand dismissed without referring back to the Court.
- (iv) If amendment is carried out within stipulated time as stated herein above, the applicant is directed to serve the amended copy of the writ petition on the respondent's advocate.
- (v) Advocate for respondent/legal heir waives service in WP No.1307/2015.

Civil Application stands disposed of accordingly.

(K.K. TATED, J.)