

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION W. NO.318/2016,
WITH
CIVIL APPLICATION W. NO.319/2016
WITH
CIVIL APPLICATION W. NO.320/2016
IN
WRIT PETITION NO.2164/2003

State of Maharashtra, through Secretary, Government of Maharashtra,
Mantralaya, Mumbai and another
...Versus...
Kisanlal Madanlal Vyas

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. K.S. Joshi, AGP for petitioners/applicants
Shri N.R. Saboo, Advocate for respondent

CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.
DATE : 09.02.2016

Heard the learned Assistant Government Pleader for the applicants and the learned Counsel for the original respondent.

It would not be necessary to issue notices to the legal representatives of the deceased respondent, though there is a delay in filing the application for substitution as the provisions of the Code of Civil Procedure pertaining to the condonation of delay and setting aside abatement would not strictly apply to the proceedings under Article 226 of the Constitution of India. Also,

we find that the delay is satisfactorily explained. The applicants became aware about the death of the respondent after the Counsel for the respondent filed a pursis that the respondent had expired leaving the legal representatives mentioned in the pursis.

Hence, the civil applications are allowed and disposed of. The amendment should be carried out within a period of two weeks. After the amendment is carried out, issue notice to the newly added respondents for hearing of the writ petition, on merits.

JUDGE

JUDGE

Wadkar