

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

**CIVIL APPLICATION NO.362 OF 2017
IN
WRIT PETITION NO.8058 OF 2004**

**Biharilal Ramratan Yadav
Through its Constituent Authority
Shyambhahari Ramratan Yadav : Applicant.
versus**

**Smt. Ratanben P Mehta
since deceased through LRs
Premchandra Kapoorchand Mehta and ors. : Respondents.**

**Mr. Rajesh S Patil for the Applicant.
Mr. Makrand M Kale for the Respondents.**

**CORAM : R. M. SAVANT, J.
DATE : 03rd APRIL 2017**

P.C.

1 The above Civil Application has been filed for bringing the heirs of the Respondent on record, and for condonation of delay of 3 years and 85 days in filing the Civil Application. The reasons for the delay are mentioned in paragraphs 2 and 3 of the Civil Application. The sum and substance of the reasons is that the Applicant was not aware of the heirs of the Respondent till the Respondent filed the Civil Application in this Court claiming mesne profits. It is also not a case where the Respondent has informed the Applicant about the death of the Respondent and the names of his legal heirs as warranted by Order XXII Rule 10A of the Code of Civil Procedure. In my view, case for condonation of delay of 3 years and 85 days is made out. The above Civil

Application is accordingly allowed. Resultantly, the heirs of the Respondent are allowed to be brought on record. Amendment to be carried out within two weeks from date and amended cause title to be served on the other side. The above Civil Application is accordingly disposed of. List the Civil Application No.2426 of 2016 for orders on 24/04/2017.

[R.M.SAVANT, J]