

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO. 977 OF 2017
IN
WRIT PETITION NO. 5965 OF 1996

Balkrishna Prabhakar Nakhate
(Since Decd.) Through legal heirs

.....Applicants

V/s.

Pandurang Baburao Tupe
(Since Decd.) Through legal heirs.

....Respondents

Mr. Sagar Batavia i/b Mr. R. N. Sanghavi Advocate for the applicant.
Mr. Suresh Dubey Advocate for respondent no. 1.

CORAM : G. S. KULKARNI,

DATED : JULY 19, 2017.

PC :

1) Heard the learned counsel for the applicant and the learned counsel for the respondent. By this civil application, prayer is made for setting aside of the abatement of the petition due to death of Mr. Balkrishna Prabhakar Nakhate who has expired. Applicant further seeks to bring legal heirs of the Petitioner on record.

2) For the reasons set out in the civil application, civil application is allowed. Abatement of the petition is set aside. The applicants are permitted to bring on record the legal heirs of deceased Balkrishna Prabhakar Nakhate who are applicant nos. 1 to 4 in the application. Amendment to be carried out within a period of two weeks from today. Amended copy of the petition be served on the respondent.

3) Civil application is allowed in terms of prayer clause (a) & (b).

(G. S. KULKARNI, J.)