

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

**CIVIL APPLICATION NO.380 OF 2017
IN
WRIT PETITION NO.10501 OF 2015**

Dnyaneshwar Laxman Pasalkar and ors. : Applicants.

versus

**Smt. Barkabai Kondiba Pathare
since deceased through LRs**

Smt. Savitrabai Uttam Gawade and ors. : Respondents.

Mr. Samir M Suryawanshi i/by Mr. S A Sawant for the Applicants.

**Mr. G S Godbole a/w Mr. Sumit Kothari i/by Mr. D S Patil for the
Respondent Nos.2A to 2E.**

Mr. S D Rayrikar, AGP, for the Respondent No.9.

CORAM : R. M. SAVANT, J.

DATE : 28th February 2017

P.C.

1 The above Civil Application has been filed to recall/modify the order dated 06/01/2017 and to revive the Respondent No.8 by arraying her as Respondent No.8 which she originally was in the above Petition.

2 The Respondent No.8 was permitted to be deleted by the order dated 06/01/2017. However, the instant Civil Application has been filed thereafter.

3 The learned counsel appearing for the Respondent Nos.2A to 2E Shri G S Godbole submits to the orders of the Court.

4 The heirs of the Respondent No.8 i.e. Respondent No.8(a) to 8(c) are allowed to be brought on record. The learned counsel for the Petitioner states that the Respondent No.8(d) need not be brought on record as she is already deceased and she has no heirs. In so far as the heirs are concerned, the Respondent No.8(b) and 8(c) are served and the Respondent No.8(c) is residing at the same address as the Respondent Nos.8(b) and 8(c). Hence it would have to be presumed that the Respondent No.8(a) also has the knowledge of the above Civil Application.

5 The above Civil Application is accordingly allowed. The Respondent No.8 is reinstated as party Respondent to the above Petition. Amendment to be carried out forthwith. List the above Petition for admission on 07/03/2017 as in terms of the affidavit of service filed by the Applicants, the Respondent Nos.8(b) and 8(c) are already served, to be shown on the supplementary board. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]