

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

**CIVIL APPLICATION NO. 1319 OF 2017
IN
WRIT PETITION NO. 6015 OF 2013**

Shivaji University

...Applicant

vs.

Sou.Bharti Vishnu Chavan & Ors.

...Respondents

Mr.Amit Borkar for Applicant.

Mr.Sagar A. Mane for Respondent No.8.

CORAM : PRASANNA B. VARALE, J.

DATE : 9 AUGUST 2017

P.C. :

Heard learned Counsel for the Applicant.

2 By the present application, the Applicant / Petitioner prays for bringing legal heir / representative of Respondent No.5 on record. Learned Counsel by inviting my attention to the order passed by this court on 17 April 2017 submitted that in view of the fact that Respondent No.5 Smt.Indu Vasant Khondre expired during the pendency of the petition, the Applicant was permitted to take necessary steps for bringing the legal representative of Respondent No.5 on record as well as taking appropriate steps against unserved Respondents. Learned Counsel submits that as it required some time to seek necessary instructions and the documents, more particularly, the copy of the death certificate of Respondent No.5, the application could not be filed within the stipulated period and the delay of 122 days caused in filing the application. Learned Counsel submits that as the delay is unintentional and for bonafide reasons, the delay be condoned. He further

submits that no prejudice would be caused to other Respondents, if the legal representative of Respondent No.5 is brought on record.

3 In view of the submission of learned Counsel for the Applicant, the application is allowed. The necessary amendment be carried out in the cause title of the petition. The notice be issued to the legal representative, referred to in the present application, of Respondent No.5. Notice made returnable six weeks.

4 The application is disposed of.

(PRASANNA B. VARALE, J.)