

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CIVIL APPLICATION NO.1461 OF 2017
IN
WRIT PETITION NO.10949 OF 2014**

Harishchandra Anant Pandit
since deceased through heirs
and legal representatives
Bhushan Harishchandra Pandit

....Applicant

Vs.

The Chairman/Secretary,
Vaishali Tower (Building No.1)
Co.Operative Housing Society Ltd. & Ors.

....Respondents

Mr. Vaibhav Patankar for the applicant.
Mr. Chacko Joseph for respondent Nos.1 to 4.

CORAM : K.K. TATED, J.

DATE : 12th July, 2017

P.C. :

1. Heard the learned counsel for the parties.
2. The learned counsel for the applicant submits that the application is preferred by legal heirs of sole petitioner Harishchandra Anant Pandit, who expired on 28.03.2017.
3. The learned counsel for the applicant submits that they have filed the present civil application within time.
4. Considering the submissions made by the learned counsel for the applicant and as the application is filed within time, I am satisfied that the applicant has made out a case for allowing the civil application. Hence, the following order.

ORDER

- (i) The applicant is permitted to bring legal heirs of deceased sole petitioner in Writ Petition No.10949 of 2014 on record within three weeks from today, failing which civil application shall stand dismissed without referring back to the Court.
- (ii) If the amendment is carried out within the stipulated time as stated hereinabove, office is directed to issue notice to the added respondents in Writ Petition No.10949/2014, returnable after 12 weeks.
- (iii) In addition to usual mode of service, the applicant is permitted to serve newly added respondents by private notice along with copy of petition either by RPAD and/or by hand delivery and file an affidavit of service within eight weeks.
- (iv) The civil application stands disposed of accordingly.

(K.K. TATED, J.)