

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1744 OF 2016
IN
WRIT PETITION NO.2008 OF 1997

Shree Yogi Darshan Makwane Nagar Applicants
Co-op. Housing Society Limited & Anr.

Vs.

Shri. Karsandas Chaganlal Solanki Respondents
(deceased) thru' his heirs and legal
representatives Versaben Jitendra Kawa
& Ors.

Ms. Aditi Naikare i/by P.J. Thorat, Advocate for the Applicants.
None for the Respondents.

CORAM : G.S. KULKARNI, J.
DATE : 18 JULY, 2017

P.C. :

1 Heard learned counsel for the applicants. On the earlier occasion, this application was adjourned as service on the respondents was not complete.

2 Today, the learned counsel for the applicants has tendered letter dated 13th June, 2017 addressed by Advocate Ms. Ranjana Parikh to the Advocate of the applicants that she

represents respondent no. 1(a)(i)- Mrs. Varshaben Jitendra Kawa. This letter also states that respondent no.2(a), Smt. Prabhaben Jayantilal Solanki has relinquished all her legal rights and interest vide release deed dated 9th May, 1985, a copy of which is annexed to the said letter. In view of this communication of Advocate Ms.Ranjana Parikh, the learned advocate for the applicants seeks leave to delete name of respondent no.2(a) Prabhaben Jayantilal Solanki as party respondent. Accordingly the applicants are permitted to delete respondent no.2A- Smt. Prabhaben Solanki.

3 The prayer in the present civil application is for setting aside of the abatement of the writ petition as against deceased respondent no. 1(a) and 2, for condonation of delay in filing the present application and for further relief that the applicants be permitted to bring on record respondent no. 1(a)(i) and respondent no. 2(a) in the present civil application as the respondent no. 1(a)(i) and respondent no. 2(a) in the petition.

4 For the reasons set out in the civil application and in the interest of justice, the civil application deserves to be allowed. However, in view of the prayer of the applicants to delete name of respondent no.2(a), the prayer is granted to implead respondent no.1(a) (i) only. The civil application is accordingly allowed in the above terms.

5 Necessary amendments be carried out within a period of two weeks from today. Amended copy of the petition be served on the respondents. The writ petition be placed for final hearing after amendments are carried out. The petition being of the year 1997, be placed on the final hearing list as per its turn in the week commencing from 7th August, 2017.

(G.S. KULKARNI, J.)