

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

**CIVIL APPLICATION NO. 2826 OF 2016
IN
WRIT PETITION NO. 4492 OF 1988**

Shri Shankar Shripad Latkar (since deceased through L.Rs) &
Anr. ..Vs.. Shri Dattatraya Haribhau Borawake (since deceased
through L.Rs) & Ors.

Office Notes, Office Memorandum of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's orders
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Mr. S. R. Ghanavat I/by. V.S. Talkute for
Applicants.
None for Respondents.

CORAM : K. K. TATED, J.
DATE : JULY 01, 2017.

P.C. :

. Heard learned Counsel for
Applicants. None for the Respondents.

2. This application is for bringing legal
heirs on record of deceased Respondent No.5
Sopan Haribhau Borawake who died on 5th
May 2016.

3. The learned Counsel for Applicants
submit that as soon as they learnt about the
death of Respondent No.5, they made enquiry
of the same and filed present application for

bringing legal heirs of deceased Respondent No.5 on record. In that process, it remains on their part to file application in time. In the interest of justice, the delay in preferring this Civil Application be condoned. He submit that if delay is not condoned, an irreparable loss will be caused to the Applicants.

4. Considering the submission made by the learned Counsel for Applicants and averments made in Civil Application and the fact that no one has appeared on behalf of Respondents, I am satisfied that Applicants have made out the case for allowing Civil Application. Hence, the following order

ORDER

(A) Delay in preferring Civil Application is condoned.

(B) Abatement is set-aside.

(C) Applicants are permitted to bring on record the legal heirs of deceased Respondent No. 5 – Sopan Haribhau Borawake in Writ Petition No. 4492 of 1988.

(D) Amendment to be carried out within four weeks from today, failing which, Writ Petition shall stand dismissed without reference back to the Court.

(E) If amendment is carried out within stipulated time as stated above, office is

directed to issue notices to the newly added Respondents in Writ Petition No. 4492 of 1988.

(F) In addition to usual mode of service, Applicants are permitted to serve the added Respondents in Writ Petition No. 4492 of 1988 by private notice along with the copy of Petition and annexures thereto either by registered post A.D. and/or by hand delivery and file Affidavit of service to that effect within 16 weeks from today.

(G) Civil Application is disposed of accordingly.

(H) Stand over to 30th October, 2017.

(K.K.TATED, J.)