

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2523 OF 2016
IN
WRIT PETITION NO.4192 OF 2016

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.G.S. Godbole, Senior Advocate a/w. Parag Tilak, Advocate for the applicants.

Mr.S.S. Hardikar, Advocate for Respondents No.1 to 6.

Mr.B.G. Ligade, Advocate for Respondents No.7A to 7C, 8A to 8D and 9 to 12.

Ms.P.M. Bhansali a/w. Pushpa Thapa & Rajlaxmi Punjabi, Advocate for Respondent No.5.

CORAM : R. G. KETKAR, J.

DATE : 07/02/2017

P.C.:

1. Heard Mr.G.S. Godbole, learned Senior Counsel for the applicants, Ms. Bhansali, learned Counsel for respondent No.5, Mr. Hardikar, learned Counsel for respondent No.6 and Mr. Ligade, learned Counsel for respondents No.7A to 13.

2. By this application, the applicants have prayed for permission to delete respondent No.2 Indubai Nanasaheb Gaikwad from the cause title of the Writ Petition and in the alternative to bring on

record the L.Rs of respondent No.2.

3. Mr. Godbole submitted that respondent No.2 died on 14.5.2008. Respondent No.1 is her husband and respondents No.3 and 4 are sons of respondents No.1 and 2. Respondent No.2A Ramesh Gaikwad died on 23.7.2013. However, as on date Ramesh Gaikwad is brought on record in the capacity as one of the heirs of respondent No.2 Indubai Gaikwad. He, therefore, seeks permission to delete respondent No.2 from the cause title of the petition. He submits that in the event of the applicants herein are impleaded in the suit, their contention that in view of death of Ramesh Gaikwad pending the suit as also in view of the fact that his L.Rs are not brought on record, the plaintiffs cannot proceed with the suit, may be kept open.

4. In view thereof, Civil Application is allowed in terms of prayer clause (a) and permission is granted to the applicants to delete respondent No.2 from the petition. In the event the applicants are impleaded in the suit, all their contentions are kept open. Order accordingly.

(R. G. KETKAR, J.)