

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2000 OF 2017
IN
WRIT PETITION NO.4812 OF 1996**

Praful Amarchand Chopda & Ors. Applicants

In the matter between

Shri. Amarchand Hiralal Chopda Petitioner

Vs.

Shri. Dattatraya Govind Halwai Respondents

(since deceased) thru Legal heirs

Smt. Kamlabai Dattatraya Halwai & Ors.

Mr. Rupesh R. Lanjekar, Advocate for the applicants.

Mr. R.S. Ghadge i/by Phad for Respondent Nos. 1(A) to 1(F).

CORAM : G.S. KULKARNI, J.

DATE : 1 September 2017

P.C. :

1 By this application, the applicants pray to delete the name of the petitioner and for permission to add present applicants as heirs and legal representatives of the original petitioner. There is delay in filing this civil application, the reasons seeking condonation of delay are set out in paragraph 4 of the application. Learned counsel for respondent no.1(B) has placed on record an affidavit opposing the application. He says that the delay has not been satisfactorily explained.

2 I have perused the averments as made in the civil application. I have also gone through the reply affidavit filed on behalf of Respondent no.1(B). In my opinion the explanation as furnished on behalf of the applicants is satisfactory. The delay in filing the application is required to be condoned. As the prayers in the application are to bring on record the legal heirs of the deceased petitioner, in the interest of justice, the application is required to be allowed. It is accordingly allowed in terms of prayer clauses (a) and (b).

3 Necessary amendments be carried out within two weeks from today. Copy of the amended petition be served on the respondents.

4 Office to list the petition on board for final hearing as per its turn in the week commencing 25 September, 2017.

5 The civil application is disposed of in the above terms. No costs.

(G.S. KULKARNI, J.)