

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

**CIVIL APPLICATION NO.2729 OF 2016
IN
WRIT PETITION NO.9577 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.R.A.Naik i/b Mr.U.R.Mankapure for the applicant

Mr.Kishor S.Patil for the respondent no.1

**CORAM : K. K. TATED, J.
DATE : JULY 26, 2017**

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 Advocate for the applicant filed affidavit of service dated 26.7.2016 stating that respondent nos.2a and 2b are duly served. Same is taken on record.
- 3 This application is for bringing legal heirs on record of deceased respondent no.2, Babasao Makbul Muyjavar, who died on 15/1/2015. There is a delay in preferring the Civil Application.
- 4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing

the present Civil Application. Hence, following order:

- a) Abatement is set aside.
- b) Delay in preferring Civil Application is condoned.
- c) Applicant is permitted to bring legal heirs on record of deceased respondent no.2 in Writ Petition No.9577 of 2014.
- d) Amendment be carried out within 3 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.
- e) If amendment is carried out within stipulated time as stated hereinabove, office is directed to issue notice before admission in Writ Petition No.9577 of 2014 to the added respondents, returnable after 12 weeks.
- d) In addition to usual mode of service, petitioner is permitted to serve added Respondents in Writ Petition No.9577 of 2014 along with entire proceedings by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.
- e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)