

JPP

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

WRIT PETITION (St.) NO. 34103 OF 2016

Mr. Amit Gaurchandra Basu.

... Petitioner.

V/s.

Smt. Ruchira Ashok Sonde.

... Respondent.

Ms. Neeta Karnik i/b. Rajesh Mudholkar for the Petitioner.

CORAM : N.M. Jamdar, J.

31 January, 2017.

P.C. :-

Not on board. Taken on production board by way of praecipe.

2. By the impugned order dated 29 November 2016 the learned Judge has rejected the application whereby there was a delay in bringing the Petitioner on record as the heirs inspite of the same being allowed in the year 2013. The learned Counsel for the Petitioner submitted that if the impugned order is allowed to stand the entire proceedings will be disposed of tomorrow.

3. Perusal of the record shows that there is a clear mistake in not carrying out the amendment inspite of the same being granted in the year 2013. The Petitioner has engaged an Advocate and after the amendment is granted, generally it is the Advocate who would ensure that the amendment is carried out.

4. The view taken by the learned Judge cannot be faulted with. However, the learned Counsel for the Petitioner tenders an unconditional apology. The learned Counsel for the Petitioner also states that the concerned Advocate will also file a pursis placing his apology on record before the learned Civil Judge. If such a pursis of the Advocate is filed, taking responsibility for the lapse and with an unconditional apology, then the learned Civil Judge will recall the order dated 29 November 2016, as a party should not suffer for the fault of the Advocate.

5. With these observations, the Writ Petition is disposed of.

(N.M. Jamdar, J.)