

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 12311 OF 2017
IN
WRIT PETITION NO. 3259 OF 2004**

**VIJAYKUMAR TOTARAM VASIKAR
DIED L.Rs. SUNANDA VIJAYKUMAR VASIKAR**

VERSUS

THE UNION OF INDIA & ORS.

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Mr. M.K.Deshpande, Advocate for Petitioner.

Mr. D.G.Nagode, Advocate for R - 1.

Mr. S.J.Salgare, A.G.P. for R - 2 & 3 - State.

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**CORAM : SUNIL P. DESHMUKH &
P.R.BORA, JJ.**

DATE : 29th JANUARY, 2018

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ORAL ORDER :

1. Heard learned counsel for the applicant, who refers to that upon communication about the matter being listed for final hearing, as informed by his wife it had come to the fore that original writ petitioner died in 2013. Thereupon the matter had declared to have been abated with liberty to file appropriate application. Accordingly, present application has been submitted.

2. Learned counsel for the respondent is reluctant to accede to request made in the application referring to that delay is of three years and would not be said to have been properly explained.

3. However, learned counsel for the respondent is not in a position to question veracity of the reasons given in the application. In the circumstances, we deem it appropriate to grant application in terms of prayer clauses B and C. Civil Application is accordingly allowed. Amendment be carried out forthwith and the petition be proceeded with accordingly.

[P.R.BORA]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE