

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

**CIVIL APPLICATION NO.68 OF 2018
IN
WRIT PETITION NO.4528 OF 2016**

Ramnath Shanakar Shinde .. Applicant

V/s.

Narayan Pandurang Shinde (Since
decd. Thru lrs.) and Ors. .. Respondents

Mr.Rupesh Lanjekar I/b Mr.M.L.Patil for the applicant

None for the respondent

Later on:

Mr.Sarvadnya Kadtane I/b Mr.Kuldeep Nikam for the respondent

CORAM: K.K. TATED, J

DATED : DECEMBER 4, 2018

P.C. :

1 Heard.

2 By this Civil Application, Applicant original plaintiff is seeking permission to bring legal heirs on record of deceased Respondent no.1, Narayan Pandurang Shinde, who died on 01.07.2017.

3 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 following order:

- a) Rule.
- b) Rule made returnable on 15.02.2019.
- c) In addition to usual mode of service, Applicant is permitted to serve Respondents 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.

4 Later on Advocate Mr.Sarvadnya Kadtane appeared on behalf of Respondent.

5 Heard the learned counsel for the Applicant as well as Respondent.

6 The learned counsel for the Respondent submits that he received instruction from his client to accept service on behalf of legal heirs of deceased Respondent no.1. He further submits that they have no objection if present Civil Application is allowed.

7 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application and as advocate Mr.Sarvadnya Kadtane for legal heirs of deceased Respondent no.1 submits that they have no objection if Civil Application is allowed, following order is passed:

- a) Delay in preferring the present Civil Application is condoned.
- b) Applicant is permitted to bring legal heirs on record of deceased Respondent no.1 in Writ Petition No.4528 of 2016 on or before 22.12.2018, failing which the Civil Application shall stand dismissed without further reference to the court.
- c) If amendment is carried out within stipulated time as stated hereinabove, Applicant is directed to serve amended copy of Writ Petition No.4528 of 2016 on advocate for legal heirs of deceased Respondent no.1.
- d) The learned counsel for the legal heirs of deceased Respondent no.1 in Writ Petition No.4528 of 2016 waives service.
- e) Civil application stands disposed off accordingly.
- f) No order as to costs.

(K.K. TATED, J.)