

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1544 OF 2015

John David Gonsalves

..... Petitioner

VERSUS

Pearl Apartments CHS Ltd. & Anr.

..... Respondents

Mr.Vincent Pereira for the Petitioner.

Mr.Arun Panicker, a/w. Mr.Nitin Parkhe for the Respondent no. 1.

Ms.Geeta Sonawane, A.G.P. for the State – Respondent no.2.

CORAM : R.D. DHANUKA, J.

DATE : 30th JANUARY, 2018

P.C.

Rule. Learned counsel appearing for the respondent no.1 and learned A.G.P. appearing for the respondent no.2 waives service. By consent of parties, heard finally.

2. By consent of the petitioner and the respondent no.1, impugned order dated 20th October,2014 is set aside. Application No. 279 of 2013 filed by the respondent no.1 is restored to file.

3. The petitioner agrees to furnish list of names and addresses of all the legal heirs of the original respondent to the said application to the respondent no.1 herein within one week from today.

4. The respondent no.1 shall implead all the legal heirs of the original respondent to the said Application No.279 of 2013 within one

week from the date of the petitioner herein furnishing the names and addresses of the legal heirs of the original respondent.

5. The respondent no.1 herein (original applicant) shall serve the papers and proceedings along with notice upon all the legal heirs of the original respondent except the petitioner herein within two weeks thereafter. The petitioner waives service of the Application No.279 of 2013.

6. The authority shall decide the application afresh in accordance with law after giving an opportunity of being heard to all the legal heirs without being influenced by the observations made in the impugned order dated 20th October,2014 and the conclusion drawn therein.

7. Rule is made absolute in the aforesaid terms. No order as to costs.

8. The authority shall make an endeavour to dispose of the proceedings on or before 30th April, 2018.

9. The parties are directed to co-operate with each other and with the learned authority in disposing of the proceedings expeditiously.

10. The authority shall not grant any unnecessary adjournment to any of the party.

[R.D. DHANUKA, J.]