

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2942 OF 2017
IN
WRIT PETITION NO.4 OF 2007

Umakant N. Netragaokar
(Deceased) Through heirs
(1)(A) Chandrakala U.
Netragaokar & Ors.

....Applicants/Petitioners

V/s.

The State of Maharashtra
& Ors.

....Respondents

Mr. D.J.Shejul, Advocate for Applicants/Petitioners.
Mr. V.S.Kapse, Advocate for Respondent.

**CORAM :- R.M.SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 23RD JANUARY, 2018.

PC. :-

The above Civil Application has been filed to bring the heirs of the Petitioner on record. The above Petition challenges the order dated 21.12.1994 terminating services of the Petitioner who was appointed as a probationer in the post of Civil Judge Junior Division and Judicial Magistrate First Class (J.M.F.C.). The order dated 21.12.1994 annexed to the Petition at Page 38 discloses that the probationary period of the Petitioner was extended. However, he had not satisfactorily completed the said probationary period. The

services of the Petitioner having been discharged as probationer, in our view, the cause of action to challenge the order/notification dated 21.12.1994 does not survive to the heirs. Hence, the heirs cannot be permitted to be brought on record. The Civil Application is accordingly rejected.

(SANDEEP K. SHINDE, J.)

(R.M.SAVANT, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4 OF 2007

Umakant N. Netragaokar
(Deceased) Through heirs
(1)(A) Chandrakala U.
Netragaokar & Ors.

....Petitioners

V/s.
The State of Maharashtra
& Ors.

....Respondents

Mr. D.J.Shejul, Advocate for Petitioners.
Mr. V.S.Kapse, Advocate for Respondent.

**CORAM :- R.M.SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 23RD JANUARY, 2018.

P.C. :-

In view of the fact that the Petitioner has expired, the above Petition has abated. By way of a separate order, the Civil Application No.2942 of 2017 filed for bringing the heirs on record of the Petitioner has been rejected for the reasons mentioned in the said order. The Petition is accordingly disposed of as having abated. Rule discharged.

(SANDEEP K. SHINDE, J.)

(R.M.SAVANT, J.)