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

**CIVIL APPLICATION NO.462 OF 2016
IN
WRIT PETITION NO.6324 OF**

Janardan Narsingh Mahajan(decd)
through his legal heir

(a) Naval Janardan Mahajan

... Applicant.

V/s.

M/s Makhija Vohra Builders

... Respondents

Mr. Vijay Gharat with Ms. Rupali L. Dhivar, for the
Applicant

Mr. Bhavin H. Gada I/by Harakchand & Co., for the
Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st MARCH, 2018.

P.C. :

1] Heard learned counsel for the Applicant and learned
counsel for respondent.

2] This application is filed to set aside the abatement of Writ
Petition No.6324 of 1999. It is submitted that petitioner Janardan
Narsing Mahajan has expired on 20.9.2008, leaving behind present
applicant No.1(a) and respondent Nos. 2 to 7 as legal heirs.
Thereafter one of the legal heir by name Vivek Janardan Mahajan has
expired on 17.2.2014, leaving behind his wife and two children.

3] It is submitted that earlier Civil Application No.133 of

2015 was filed to bring these legal heirs on record. However, all legal heirs were not inclined to sign the Vakalatnama and hence the said Civil Application came to be withdrawn with liberty to file fresh Civil Application.

4] It is urged that applicant No.1(a) and respondent Nos. 2 to 7 were not at all aware about pending writ petition. Only while clearing steel cupboard, in the month of November, one of the applicant came across the papers of the writ petition and immediately thereafter they have filed this application seeking condonation of delay to set aside the abatement and to bring on record the names of legal heirs.

5] For the reasons stated in the application, application is allowed. The delay in bringing the names of legal heirs on record is condoned. The abatement is set aside. The writ petition is restored to its original stage.

6] Applicant to carry out necessary amendment in the writ petition and serve copy thereof on respondents.

7] Civil Application stands disposed of.

8] Writ Petition be listed on 03.04.2018.

[DR.SHALINI PHANSALKAR-JOSHI, J.]