

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 46 OF 2018
IN
LETTERS PATENT APPEAL NO. 123 OF 2013
IN
CIVIL APPLICATION NO. 2218 OF 2012
IN
WRIT PETITION NO. 2112 OF 1997

Kukreja Construction Company	...	Applicant/Appellant.
V/s.		
Shri. Mahadeo P. Kambekar and ors.	...	Respondents.
And		
1a. Bhimabai M. Kambekar and ors.	...	Proposed Respondents.

Mr. Mani Thevar I/b Mahesh Menon and Co. for the Applicant/Appellant.
Mr. Suresh Rajeshwar for Respondent No.1B.
Mr.N.C. Walimbe, AGP for Respondent Nos.19 to 21 and 24/ State

CORAM : A.S. OKA AND M.S. SONAK, JJ.
DATE : 24th AUGUST 2018.

P.C.:

1] Heard learned counsel appearing for the applicant, the learned counsel appearing for the original writ petitioners and the learned AGP for respondent Nos.19,20,21 and 24.

2] This is an application for bringing on record the legal representatives of the first respondent in the Letters Patent Appeal (for short “LPA), who is the first writ petitioner. The respondent Nos.1a to 1e are the legal representatives of the first respondent. The applicant has

tendered an affidavit today stating that pending this application, the proposed respondent No.1a has expired and that proposed respondent Nos.1b to 1g are the legal representatives of the deceased proposed respondent No.1a. There is no dispute about this factual contention between the applicant and learned counsel representing respondent Nos.2 to 4. In fact, learned counsel representing the proposed legal representatives of the first respondent as well as respondent Nos.2 to 4 state that the civil application taken out by them before the learned Single Judge is pending.

3] Considering the averments made in the application, the same is allowed in terms of prayer clause (a) to (c) with modification that while carrying out the amendment, the applicant will state that proposed respondent No.1a is no more and the proposed respondent Nos.1b to 1g are the legal representatives of proposed respondent No.1a. Amendment to be carried out within two weeks from the date on which this order is uploaded.

4] We direct the applicant to carry out the similar amendment in the pending civil applications. The reaffirmation of the pending civil applications consequent to the amendment is dispensed with.

5] Place Civil Application No 297 of 2013 and Civil Application No. 8 of 2018 for hearing on 21.9.2018.

(M. S. SONAK, J.)

(A.S.OKA, J.)