

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.802/2018
IN
WRIT PETITION NO.13136/2017

Vishnu Ganu Sangle ... Applicant
V/s.
The Collector, Kolhapur & Ors. ... Respondents

Mr. Uday Nighot for the Applicant
Mrs. P. N. Diwan, AGP for the Respondent State.

CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.
DATED : APRIL 9, 2018

PC. :

1 Heard. By this Civil Application the Applicant is seeking permission to bring the legal heirs on record of deceased Respondent No.6 Pandurang Bapu Belvekar.

2 The learned counsel for the Applicant submits that the Writ Petition was on board on 08.01.2018 when this court had issued notice to Respondent No.6. He submits at the time of service, it was learnt that Respondent No.6 expired on 31.10.2017. He submits that thereafter the matter appeared before the learned Registrar on 13.03.2018. At that time, the learned Registrar granted time till 03.04.2018 to take steps for bringing the legal heirs on record of deceased Respondent No.6. He submits that for want of knowledge about the death of Respondent No.6, there is delay on their part to take out appropriate proceedings. He submits that in the interest of justice, this Hon'ble Court be pleased to allow the Civil Application with liberty

to the Applicant to bring the legal heirs on record of deceased Respondent No.6 in the Writ Petition. He submits that if the Civil Application is not allowed, irreparable loss will be caused to them.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the present Civil Application.

4 Hence, the following order:

a) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) The names of Respondent Nos.6A to 6D be kindly brought on record as theirs and legal representative of deceased Respondent No.6 Shri Pandurang Bapu Belvekar in above Writ Petition.

b) The Applicant to carry out appropriate amendment in the Writ Petition on or before 27.04.2018.

c) The Applicant to provide amended copy of the Writ Petition to Respondent Nos.1 to 5.

d) Civil application stands disposed off accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)