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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 1308 OF 2018****IN****WRIT PETITION NO. 4182 OF 2018**

Salim Abbasbhai Khatib

.....Applicant

V/s.

Amir Abdul Khatib (Kkhaikh) and others

.....Respondents

Mr. Rupesh Lanjekar i/b Mr. M. L. Patil for the applicant.

CORAM : K. K. TATED, J.**DATE : 6th DECEMBER, 2018.****P.C.**

Heard the learned counsel for the applicant.

2 By this civil application, applicant seeks permission to bring legal heirs on record of respondent no. 2 Sikandar Abdul Khatib (Shaikh) who died on 11/03/2018.

3 Both respondents are duly served and no one appeared on
behalf of them when the matter is called out.

4 Learned counsel for the applicant submits that present civil
application filed in time i.e. on 16/04/2018.

5 Considering the submissions made by the learned counsel for
the applicant, averments made in civil application, as the civil
application is filed within time and in spite of service, no one
appeared on behalf of respondents, I am satisfied that the applicant
has made out case for allowing the civil application. Hence, following
order.

(A) Applicant is permitted to bring legal heirs on record of
deceased respondent no. 2 Sikandar Abdul Khatib (Shaikh) in
writ petition no. 4182 of 2018 on or before 18/01/2019, failing
which civil application shall stand dismissed without referring
back to the court.

(B) If amendment is carried out within stipulated time, Registry is directed to issue notice to added respondent, returnable thereafter 8 weeks.

(C) Applicant is permitted to serve the respondent by private notice alongwith entire proceedings either by RPAD or by hand delivery in writ petition and file affidavit of service to that effect.

(D) Civil Application stands disposed of accordingly.

(E) No order as to costs.

[K. K. TATED, J.]