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

CIVIL APPLICATION NO. 1540 OF 2018
IN
WRIT PETITION NO. 4354 OF 2014

Tukaram Anand Kshirsagar & Ors. ...Applicants/Petitioners

vs

The State of Maharashtra & Ors. ...Respondents

.....

Mr Sumit Kate I/b Uday Warunjikar for the Applicants/
Petitioners.

.....

**CORAM : K.K.TATED, &
B.P.COLABAWALLA, JJ.
JULY 23, 2018.**

P.C. :

Heard learned counsel for parties.

2 This application is for bringing the legal heirs of deceased Respondent No.6 - Natu Kashiba Pawar on record, who died on 27th January, 2006.

3 Learned counsel for the applicant submits that Respondent No.6 was reported dead when Respondent - State filed their affidavit-in-reply disclosing that the suit property was allotted in favour of Respondent No.6. He submits that for want of knowledge it remained on their part to bring on record the legal heirs of Respondent No.6. Learned counsel for applicant submits that in the interest of justice this Civil Application be allowed. He further submits that if the Civil Application is not allowed, irreparable loss would be caused to them.

4 Considering the submissions of learned counsel for

the applicant and averments in the Civil Application, we are satisfied that the applicant has made out a case to allow the Civil Application. Hence, the following order.

- (a) Delay caused in filing the Civil Application is condoned;
- (b) The applicants are permitted to bring on record the legal heirs of Respondent No.6 – Natu Kashiba Pawar in Writ Petition No. 4354 of 2014 within three weeks from today failing which the Civil Application shall stand dismissed without further reference to the Court;
- (c) If the amendment is carried out within the stipulated period as directed, the applicants to serve the amended copy of the Writ Petition on the legal heir of deceased Respondent No.6 as well as other Respondents;
- (d) The applicants to serve the newly added Respondent along with amended copy of the Writ Petition either by R.P.A.D. and/or hand delivery and file an affidavit of service to that effect within four weeks from the date of carrying out the amendment;
- (e) The Civil Application is disposed of accordingly;
- (f) No order as to costs.

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(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)