

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

**CIVIL APPLICATION NO.2447 OF 2017
IN
WRIT PETITION NO.1629 OF 2014**

Bansi Singh Devisingh Chauhan & Anr. .. Applicants

Vs.

M/s. Namaskar Textiles .. Respondent

Mr. Girish G. Togani for the applicants.

None for the respondent.

CORAM : A.K. MENON, J.

DATED : 10TH JANUARY, 2018.

P.C. :

1. By this Civil Application, the applicants seek to represent themselves as petitioners in place of the deceased petitioner who stated to have expired on 7th March, 2017. The applicants are the widow and son of the original petitioner. There is a delay of about 33 days in filing the civil application.
2. The learned counsel for the applicants state that pursuant to an order dated 18th December, 2017 notice has been issued to the respondents on 27th December, 2017. The notice was also addressed to the Advocate for the respondent. However, the packet addressed to the

said Advocate has been returned “unclaimed”. The postal remark shows that the intimation was posted as on 30th December, 2017. This is seen from Exhibit D to the affidavit of service filed by the applicant no.2 dated 8th January, 2018. In view of the contents of the Civil Application, I find that the application is liable to be allowed and hence, I pass the following order:-

- (i) Civil Application is made absolute in terms of prayer clauses (a) and (b).
- (ii) Amendment to be carried out within a period of two weeks from today.
- (iii) Amended copy to be served upon the Advocate for the respondent forthwith thereafter.

(A.K. MENON,J.)

wadhwa