

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 612 OF 2018
IN
CIVIL REVISION APPLICATION NO. 639 OF 2017

Dr. Naresh R. Tambwekar and ors. .. Applicants
In the matter between
Smt. Neela N. Tambwekar
(deceased) ..Petitioner
vs.
Smt. Khairunissa S. Bilawala .. Respondent.

Mr. Mohit Bhansali for the Applicants/Petitioner.
Mr. Jayesh Vyas a/w. Mr. Yogesh Gaikwad for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 10 DECEMBER 2018.

P.C. :-

- 1] Heard the learned counsel for the parties.
- 2] The learned counsel for the respondent disputes the various averments made in the civil application.
- 3] At this stage, there is no question of either accepting or rejecting the averments made in the civil application. However, there can be no difficulty in permitting the applicants to pursue the Civil Revision Application consequent upon demise of the original applicant. This is because the applicants at least *prima facie* answer the description of the legal representatives of the deceased applicant.

The issue as to whether they had succeeded to tenancy rights or not can always kept open and it is hereby kept open.

4] Therefore, after keeping all contentions of parties are open, Civil Application is allowed in terms of prayer clause (a). Necessary amendment to be carried out forthwith. Verification of the applicants is dispensed with.

5] Civil Application is disposed of in the aforesaid terms.

(M. S. SONAK, J.)