

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

**CIVIL APPLICATION NO.2513 OF 2011
IN
CIVIL APPLICATION NO.2515 OF 2011
IN
WRIT PETITION NO.9326 OF 2010**

Sulabai Bajirao Hargane @ Sankpal
and Anr. .. Applicant

V/s.

Bajirao Anna Hargane @ Sankpal and Ors. .. Respondents

Ms.Priyanka Vegad for the applicant

Mr.S.T.Bhosale i/b Mr.Dilip Bodke for the respondent

CORAM: K.K. TATED, J.

DATED : NOVEMBER 26, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 Advocate for the Applicant submits that the legal heirs of deceased Respondent no.15 is already served. He submits that affidavit of service is already filed. Statement is accepted. In spite of service, no one appeared on behalf of legal heirs of deceased Respondent no.15.

3 By this Civil Application, Applicant is seeking condonation of delay and setting aside the abatement in preferring the

Application for bringing legal heirs on record of deceased Respondent.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

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

“(a) that this Hon'ble Court be pleased to set aside abatement, if any, of Writ Petition No.9326 of 2010 and/or abatement of the case against Respondent No.15;

(b) that this Hon'ble Court be pleased to condone the delay, if any, in preferring application for bringing the proposed Respondent on record in place of and in capacity of heir and legal representative of deceased Respondent No.15.”

B) Applicant to carry out amendment on or before 14.12.2018.

C) Civil application stands disposed of accordingly.

(K.K. TATED, J.)