

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.479/2018
IN
CROSS OBJECTION (ST) NO.17394/2017
IN
FIRST APPEAL NO.820/2014

Hiraji Marya Patil (Deceased) ... Applicants
Through Legal Heirs

State of Maharashtra & Ors. ... Appellant

Vs.

Hiraji Marya Patil (Deceased) ... Respondent
Through Legal Heirs

Mr. Swapnil Mhatre i/b. S. S. Kulkarni for the Applicants
Mr. A. R. Patil, AGP for the Respondent State

**CORAM: K.K. TATED &
N. J. JAMADAR, JJ.**

DATED : NOVEMBER 22, 2018

P.C. :

1 Heard. By this Civil Application, the Applicant is seeking permission to bring on record the legal heirs of deceased sole Respondent in the cross objection.

2 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the present Civil Application.

3 Hence, the following order:

a) The Civil Application is allowed in terms of prayer clauses

(a) to (c) which read thus:

“(a) The delay of 3 years 87 days caused in bringing the legal heirs on record may be condoned.

(b) That this Hon'ble Court be pleased to permit the Applicants to bring the legal heirs of deceased Respondent No.1, more particularly described in paragraph 3 of the Application and the record be amended accordingly.

(c) Abatement, if any, may kindly be set aside.”

b) Amendment to be carried out on or before 07.12.2018, failing which the Civil Application shall stand dismissed without further reference to the court.

c) If amendment is carried out within stipulated time as stated hereinabove, the Applicant is directed to serve an amended copy of the cross objection, on the Advocate for the Respondents, immediately thereafter and file an Affidavit of service to that effect.

d) Civil application stands disposed off accordingly.

(N. J. JAMADAR, J.)

(K. K. TATED, J.)