

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 44 OF 2016
IN
WRIT PETITION NO. 3047 OF 2014

Shri. Abasaheb Gundu Mane (since deceased) .. Applicants
through Lrs.

Versus

Dr. Manohar Shivappa Modi (since deceased) .. Respondents
through Lrs.

Mr. A.M. Savagave for the applicants.
Mr. Tushar Khairnar I/b Mr. Umesh Mankapure for the Respondent
No.2.

CORAM : K.K. TATED, J.

DATE : 28 NOVEMBER 2018.

P.C:-

. Heard learned Counsel for the parties.

2. Though the respondents are duly served no one appeared on behalf of the same when the matter is called out. Learned Counsel for the applicants has already filed affidavit of service to show that all the respondents are duly served, his statement is accepted.

3. By this Civil Application, applicants are seeking permission to carry out amendment in cause title of Writ Petition No. 3047 of 2014 for bringing legal heirs on record of deceased respondent No.2- Shashikant Venkatesh Khasnis who died on 25.01.2014.

4. Learned Counsel for the Applicants submit that for want of knowledge about the death of respondent No.2, there was delay on their part to prefer present Civil Application is caused. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in preferring the present Civil Application. He submits that if delay is not condoned, then the Applicants will suffer irreparable prejudice.

5. Considering the submissions made by the learned Counsel for the applicants and averments made in Civil Application, I am satisfied that the Applicants have made out the case for following order :-

- a) Abatement is set aside.
- b) Delay in filing Civil Application is condoned.
- c) Applicant is permitted to bring legal heirs on record of deceased respondent No.2-Shashikant Venkatesh Khasnis in Writ Petition No. 3047 of 2014 on or before 19.12.2018, failing which the Civil Application shall stand dismissed.
- d) If amendment is carried out within stipulated time, as noted above, petitioner is directed to provide amended copy of the petition to the Respondent No.1 or his advocate and serve the copy of the amended Petition by private notice either by RPAD and or by hand delivery on added respondents immediately thereafter.
- e) Civil Application stands disposed of.
- f) No order as to costs.

(K.K. TATED, J.)