

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

***CIVIL APPLICATION NO.26 OF 2018
IN
WRIT PETITION NO.2039 OF 2015***

Anand Baburao Darekar & Ors. .. Applicants

In the matter between
Laxmibai Baurao Darekar .. Petitioner
Vs.
Ganpat Niwas CHS Ltd. & Ors. .. Respondents

Mr.V.S. Kapase for the applicants/petitioner.
Mr.Ajay A.Samant for the respondent no.1.
Mr.S.D. Rayrikar, AGP for the respondent no.4-State.

***CORAM : R.D. DHANUKA, J.
DATE : 15th June 2018***

P.C.:

. By this civil application, the applicants seek condonation of delay in filing the present civil application and for bringing the legal heirs of the original petitioner on record.

2. Learned counsel appearing for the respondent no.1 raises an issue of maintainability of this petition filed by the applicant no.3 on the ground that surname of the applicant no.3 is 'Lokhande' and does not match with the surname of the original petitioner and thus he could not have made party to this civil application.

3. Learned counsel appearing for the applicants, on the other hand, submits that the applicant no.3 was given in adoption to

Mr.Lokhande and thus the surname of the applicant no.3 is described as 'Lokhande.'

4. For the purpose of deciding this civil application, I do not propose to go into the issue as to whether the applicant no.3 was given in adoption to Mr.Lokhande or not. The said issue is kept open which can be adjudicated in the appropriate proceedings.

5. Civil application is made absolute in terms of prayer clauses (a) and (b). No order as to costs. Amendment to be carried out forthwith.

R.D. DHANUKA, J.