

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12443 OF 2019

IN

WRIT PETITION NO. 1039 OF 2014

SHAMSHODDIN S/O PACHULAL SHAIKH AND ORS.

VERSUS

THE STATE OF MAHARASHTRA AND ORS.

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Advocate for the Applicants: Mr. S.P. Katneshwarkar

AGP for Respondent Nos. 1 to 5: Mr. A.B. Chate

Advocate for Respondent No.6: Mr. Milind Patil Beedkar

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CORAM : V. K. JADHAV, J.

DATED : 10th DECEMBER, 2019

PER COURT :-

1. Learned counsel for the applicants submits that the son of deceased – petitioner no.13 got knowledge about the pendency of the present petition from other applicants in the month of September itself. Accordingly, he has approached the learned counsel appearing for the applicants and collected the documents as advised to him by the counsel. Thus, the delay of 2 years and 183 days has caused in filing the application for bringing legal heirs is not intentional.

2. Heard the learned AGP so also learned counsel appearing for respondent no.6. They have strongly resisted the application seeking condonation of delay in bringing the legal heirs of petitioner no.13 on record.

3. It appears that the son of deceased petitioner no.13 came to know about the pendency of the petition from other petitioners and thereafter, filed an application for substituting the legal heirs in place of deceased - petitioner no.13. Thus, the delay has occurred. The respondents have not filed the reply and it thus appears that they are not seriously contesting the application.

4. In view of the above, for the reasons stated in the application, the civil application is allowed in terms of prayer clauses (B) and (C). The application is accordingly disposed of.

(V. K. JADHAV, J.)

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