

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

**CIVIL APPLICATION NO.1465 OF 2017
IN
WRIT PETITION NO.9065 OF 2016**

Nimbanna Shrishail Atnure
Through legal heirs
Mr.Manoj Nimbanna Atnure and Ors. .. Applicants

V/s.

Bhimsha Shrishail Atnure and Anr. .. Respondents

Ms.Shama Mulla for the applicant
Mr.M.U.Rajput for the respondent nos.1 and 2

**CORAM: K.K. TATED, J
DATED : JANUARY 9, 2019**

P.C. :

1 Heard the learned counsel for the parties.

2 By this Civil Application, Applicant original Petitioner is seeking to bring legal heirs on record of sole Petitioner, Nimbanna Shrishail Atnure who died on 09.03.2017. There is a delay in preferring the Civil Application.

3 The learned counsel for the Applicant submits that it remained on the part of Applicant to file the present Civil Application within time. She submits that for want of knowledge about the proceeding before this Hon'ble Court, it remained on

their part to prefer the present Civil Application immediately. She submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in preferring the Civil Application. She submits that if delay is not condoned, irreparable loss will be caused to the Applicant.

4 Considering the submissions made by the learned counsel for the Applicant, 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) Delay in preferring Civil Application is condoned.
- b) Applicant is permitted to bring legal heirs on record of deceased sole Petitioner Nimbanna Shrishail Atnure in Writ Petition No.9065 of 2016 on or before 08.02.2019 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, Applicant is permitted to serve amended copy of Writ Petition on Respondents or their advocate immediately thereafter, on or before 28.02.2019 and file affidavit of service to that effect.
- d) Civil application stands disposed off accordingly.

(K.K. TATED, J.)