

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO.1521OF 2019****IN****WRIT PETITION NO. 81 OF 1994**

Shri Kasim Gulab Mulla & Ors.Applicants.

IN THE MATTER BETWEEN-

Shri Kasim Gulab Mulla & Ors.Petitioners.

Vs.

Shri. Balkrishna Baburao Gore & Ors.Respondents.

Mr. T.S. Ingale for the Applicants.

Smt. S.A. Mudbidri for the Respondent Nos. 1 and 2.

CORAM : A. S. GADKARI, J.

DATE : 18th JULY, 2019.

P.C.:-

This is an Application for bringing legal heirs of Respondent No.1 on record. There is delay of 19 years and 50 days in filing the present Civil Application.

2 Perusal of Application would indicate that, the fact of demise of the Respondent No.1 came to the knowledge of the Petitioners on or about 17th June, 2019 when the Petition was taken up for final hearing by this Court. The learned Advocate appearing for the Respondents thereafter gave information on 17th June, 2019 about

the legal heirs of the Respondent No. 1 to the Advocate for the Petitioners and on 27th June, 2019 the present Application has been filed.

The delay occurred in filing the present Application has been satisfactorily explained by the Petitioners.

3 The learned counsel for the legal heirs of Respondent No.1 fairly conceded to the factual aspect and submitted that appropriate Orders in the interest of justice may be passed.

4 In view of the above, Application is allowed in terms of prayer clauses (a), (b) and (c).

The Petitioners in Writ Petition are hereby directed to amend the Petition. The amendment be carried out within two weeks from today and an amended copy of the Petition be served upon the learned counsel for the Respondents within the same stipulated period.

(A.S. GADKARI, J.)