

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

**CIVIL APPLICATION NO. 2133 OF 2016
IN
WRIT PETITION NO. 5004 OF 1999**

Sikandar Ibrahim Jamdar

(Since deceased) Through LR's. & Anr. ... **Applicants**

V/s.

Ramchandra Shripad Kulkarni & Ors. ... **Respondents**

Mr. Tejpal Ingle for Applicants.

Mr. Abhijit Pawar i/b. Mr. N.P. Deshpande for Respondents.

CORAM : A.S. GADKARI, J.

DATE : 5th September 2019.

PC. :

1] This is an application for bringing legal heirs of the respondent No.4 on record. There is delay of 11 years and 46 days in filing the present application.

2] Learned counsel for the applicants submitted that, the respondent No.4 expired on 15th February 2005, however neither the respondents nor their Advocate intimated the said fact either to the petitioners or their Advocate. He submitted that, in the month of July

2016 talks of settlement between the parties herein took place and at that time, it was disclosed that, the respondent No.4 has expired in the year 2005. The present application thereafter is filed on a first day of August. He therefore prayed that, the present application may therefore be allowed.

3] Learned counsel for the respondents submitted that, as a matter of fact, the parties herein have settled the matter amicably and after the legal heirs of the respondent No.4 are brought on record, the “Deed of Settlement” will be executed. He submitted that, he has no serious objection in condoning the delay and bringing legal heirs of the respondent No.4 on record.

4] In view of the above, sufficient cause is made out to condone the delay. The delay is accordingly condoned, subject to condition that, the applicants shall pay a cost of Rs.5,000/- to the High Court Legal Services Committee, having their account, “High Court Legal Aid Fund” within a period of four weeks from today.

5] In view thereof, the delay is condoned. The Application is allowed in terms of prayer Clause (a) and (b).

Necessary amendment in the Petition be carried out within a period of four weeks from today and an amended copy of the Petition be served upon the learned Advocate for the respondents within the same stipulated period.

6] All the concerned to act on the basis of the authenticated copy of this Order.

[A.S. GADKARI, J.]