

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

**CIVIL APPLICATION NO.1704 OF 2018
IN
WRIT PETITION NO.1079 OF 1997
WITH
WRIT PETITION NO.1079 OF 1997**

Sarjerao Shankarrao Desai since
deceased through his L.R.

Ravikiran Sarjerao Desai

...Applicant/Petitioner.

Versus

The Executive Engineer (O & M),
M.S.E.B., Islampur

...Respondent

.....

Mr. V.D. Raut for the Applicant/Petitioner.

Mr. Nitin Zimur I/b. Smt. ARS Baxi for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 11th JANUARY, 2019.

P.C.:-

By this application, the Applicant has sought to condone the delay of 1 year, 9 months and 15 days in filing the application for bringing on record the legal representatives of the sole Petitioner.

2. Heard the learned counsel for the Applicant and the Respondent.

3 The learned counsel for the Applicant has stated that the

sole Petitioner has expired on 16.9.2016. The Applicant had stated that he was not aware of filing of the Petition and that he learnt about the same only when the counsel representing his father had sent a notice seeking instructions. In the light of the said reasons stated in paragraph 3 of the application, delay in filing the application is condoned. The abatement is set aside. The legal representatives of the Petitioner be brought on record. Cause title of the petition be amended within a period of two weeks.

4. The Application stands disposed of.

5. The Writ Petition thereafter be listed for admission after four weeks.

(SMT. ANUJA PRABHUDESSAI, J.)