

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.905/2018
IN
WRIT PETITION NO.6502/2017

Walu Ramji Ghorpade & Ors. ... Applicants

V/s.

Nivrutti Kedu Ghorpade & Ors. ... Respondents

Mr. Sachin Gite for the Applicants

CORAM: K.K. TATED, J.
DATED : JANUARY 23, 2019

P.C. :

1 Heard. By this Civil Application, the Applicant seeks permission to bring on record the legal heirs of deceased sole Petitioner Walu Ramji Ghorpade, who died on 02.06.2017.

2 The learned counsel for the Applicants submits that the Petitioner has filed the Writ Petition on 29.04.2017. He submits that before issuing notice to the other side, the sole Petitioner expired on 02.06.2017. He further submits that for want of knowledge about the pendency of the Writ Petition, there is delay on the part of the Applicants to make the present Application. He further submits that in the interest of justice this Hon'ble Court be pleased to condone the delay and allow the Applicant to carry out appropriate amendment in the Writ Petition bringing the legal heirs on record of deceased sole Petitioner.

3 Considering the submissions made by the learned counsel for the Petitioner and as the sole Petitioner expired within three months from the date of filing the Writ Petition and as the Respondents are not served till today. Hence, the following order is passed:

- a. Delay in making the Civil Application is condoned.
- b. The Applicant is permitted to bring on record the legal heirs of sole Petitioner in the Writ Petition.
- c. The Applicant to carry out amendment in the Writ Petition on or before 28.02.2019, failing which the Civil Application shall stand dismissed without further reference to the court.
- d. Civil application stands disposed off accordingly.

(K. K. TATED, J.)