

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

**CIVIL APPLICATION NO. 63 OF 2019
IN
WRIT PETITION NO. 5578 OF 2008**

Sadananand Gajanan Patil (Since deceased) Through LRs & Ors.	...	Applicants
<u>In the matter between :-</u>		
Pandharinath Kashinath Tavare (Since deceased) Through LRs. & Ors.	...	Petitioners
V/s.		
Mharal Co-Operative Samudayik Agricultural Society Ltd. & Ors.	...	Respondents

Mr.N.V. Bandiwadekar i/b. Mr.Sagar Mane for Applicants.
Mr.A.Y. Sakhare, Senior Advocate a/w. Mr.Rajesh Datar i/b. Mr.D.S.
Pagare for Respondent No.1.
Mr.S.D. Rayrikar, AGP for Respondent Nos.3, 4 and 5.

CORAM : A.S. GADKARI, J.

DATE : 1st August 2019.

P.C. :

- 1] This is an application for bringing legal heirs of Petitioner No.11 on record. There is delay of 202 days in filing this application.
- 2] Mr.Datar, learned counsel for the respondent No.1 vehemently opposed the application and submitted that, he has already

filed affidavit-in-reply in opposition of the present application.

3] Perusal of application would indicate that, sufficient cause is made out to condone delay and for bringing the legal heirs of the Petitioner No.11 on record.

In view thereof and in the interest of justice, the delay of 202 days in filing present application is condoned, subject to condition that, the applicants shall pay cost of Rs.3,000/- to the High Court Legal Aid Committee having their account in the name of High Court Legal Aid Fund within a period of two weeks from today.

It is made clear that the payment of cost is condition precedent for condonation of delay in filing the present application.

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

5] The applicants are directed to carryout necessary amendment within a period of three weeks from today and to serve a copy of the Petition upon the learned Advocate appearing for the respondents within the same stipulated period.

[A.S. GADKARI, J.]