IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST.) NO.1258 OF 2019
IN
WRIT PETITION NO.11144 OF 2017

Pravin Thanamal Shaha .. Petitioner

V/s.

Dhondu @ Dhonduraj P. More and Ors. .. Respondents

Mr.R.S.Datar for the applicant

Mr.Rohit D. Joshi for the respondent nos.1 to 4 and 7

CORAM: K.K. TATED, J
DATED : JANUARY 15, 2019

P.C. :

1 Not on board. At the request of advocate for the applicant, matter is taken on board for urgent orders.

2 Heard.

3 Advocate for the applicant submits that by this Civil Application, applicant is seeking to permit petitioner to bring legal heirs on record of deceased Respondent no.3 C.V.Raman who died on 9.1.2014. He submits that there is a delay in preferring the Civil Application. He submits that as soon as they received letter dated 04.12.2018 from Advocate Mr.R.D.Joshi, they immediately preferred the present Civil Application. He

submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay in bringing legal heirs on record of deceased respondent.s

4 On the other hand, the learned counsel Mr.Rohit D. Joshi submits that he received instruction to appear on behalf of legal heirs on deceased respondent no.3. He undertakes to file Vakalatnama in the present Civil Application as well as in Writ Petition No.11144 of 2017. He submits that he has no objection if present Civil Application is allowed.

5 Considering the submissions made by the learned counsel for the applicant, averments made in Civil Application and as Advocate for legal heirs of deceased Respondent no.3 has no objection, I am satisfied that the applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

a) Delay in preferring Civil Application is condoned.

b) Applicant is permitted to bring legal heirs on record of deceased Respondent No.3 in Writ Petition No.11144 of 2017 on or before 15.02.2019 failing which Civil Application shall stand dismissed without referring back to the court.

c) If amendment is carried out within stipulated time as stated hereinabove, applicant is directed to serve amended copy of Writ Petition on Respondent's advocate and file affidavit of service to that effect.

d) The learned counsel Mr.Rohit D. Joshi waives service on behalf of the legal heirs of deceased Respondent No.3 in Writ petition No.11144 of 2017.

e) Civil Application stands disposed of accordingly.

(**K.K. TATED, J.**)