

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

**CIVIL APPLICATION (ST.) NO. 1438 OF 2018
IN
WRIT PETITION NO. 806 OF 2015**

Shashank Ramakant Patankar .. Applicant

V/s.

Shankar Sripat Dhadwe .. Respondent

Mr. Sameer K. Sawant for the applicant

Mr. Priyan K. Shukla a/w Mr. R. D. Mishra for the respondent

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

P.C. :

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

2 Heard.

3 By this Civil Application, the applicant is seeking permission to bring legal heirs on record of sole respondent, Shankar Sripat Dhadwe who died on 22.10.2016. He submits that they learnt about the death of respondent on 20.11.2017. Hence, there is a delay in filing Civil Application.

4 The learned counsel for the applicant submits that in the

interest of Justice, this Hon'ble Court be pleased to condone the delay in filing the present Civil Application and allow the applicant to bring legal heirs on record on deceased respondent. He submits that if delay is not condoned, irreparable loss will be caused to them.

5 On the other hand, the learned counsel for the legal heirs of deceased Respondent submits that they have no objection if present Civil Application is allowed.

6 Considering the submissions made by the learned counsel for the applicant, averments made in Civil Application and as Advocate for Respondent 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 in Writ Petition No.806 of 2015 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 legal heirs of deceased Respondent's advocate and file affidavit of service to that effect.
- d) The learned counsel Mr.Priyan K. Shukla undertakes to file

Vakalatnama on behalf of the legal heirs of deceased Respondent in Writ petition No.806 of 2015.

- e) Civil Application stands disposed of accordingly.
- f) No order as to costs.

(K.K. TATED, J.)