

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST) NO.1403/2019
IN
WRIT PETITION NO.4012/2018

Annasaheb Beniram Wani ... Petitioner

V/s.

Shobhana Rajesh patil & Ors. ... Respondents

Mr. Vikram Sathaye I/b. Yogita Deshmukh - Chitnis for the
Petitioner

Mr. Surya S. Das I/b. R. R. Sharma for Respondent No.1

Mr. R. P. Kadam, AGP for Respondent State.

CORAM: K.K. TATED, J.
DATED : FEBRUARY 22, 2019

P.C. :

1 Not on board. Taken on board.

2 By this Civil Application, the Applicant seeks to bring the legal heirs on record of deceased Respondent No.13 Rangnath Nivrutti Dhage, who died on 15.12.2017.

3 The learned counsel for the Applicant submits that, the legal heirs of Respondent Nos.13 are already on record as Respondent No.14 and 15. He submits that this Hon'ble Court be pleased to permit the Applicant to carry out appropriate amendment to show Respondent Nos.14 and 15 as legal heirs of Respondent No.13.

4 Considering the submissions made by the learned counsel for the Applicant and as the legal heirs of deceased Respondent Nos.13 are on record, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

6 Hence, the following order is passed:

- a. Abatement is set aside.
- b. Delay in making the Civil Application is condoned.
- c. The Applicant is permitted to treat Respondent Nos.14 and 15 as legal heirs of Respondent No.13.
- d. The Applicant is permitted to bring Respondent Nos.14 and 15 as legal heirs of Respondent Nos.13 on record.
- e. The Applicant to carry out appropriate amendment in the cause title of the Writ Petition on or before 30.03.2019, failing which the Civil Application shall stand dismissed without further reference to the court.
- f. If amendment is carried out within stipulated time as stated hereinabove, the Applicant is permitted to serve an amended copy of the Writ Petition on other side and file an Affidavit of service.
- g. Civil Application stands disposed of accordingly.

- h. Ad-interim relief granted in the Writ Petition on 12.07.2018 to continue till next date.
- i. Office is directed to place the Writ Petition on board on 02.05.2019.

(K. K. TATED, J.)