

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.472/2019
IN
WRIT PETITION NO.12229/2015

Laxman Tukaram Veer & Anr. ... Applicants

V/s.

Kashinath Rambhau Veer & Ors. ... Respondents

Mr. Madhav Jamdar for the Applicants
Mr. Ganesh Bhujbal for Respondent No.1.

CORAM: K.K. TATED, J.

DATED : FEBRUARY 27, 2019

P.C. :

1 Not on board. Taken on board.

2 Heard. By this Civil Application, the Applicant is seeks permission to bring them on record as legal heirs of the sole Petitioner Laxman Tukaram Veer who died on 10.02.2018. There is delay in making the Civil Application.

3 The learned counsel for the Applicant submits that for want of knowledge it remained on their part to take appropriate steps to bring on record the legal heirs of deceased Petitioner. He submits that the Applicant has good chance of success in the matter. He submits that in the interest of justice this Hon'ble Court be pleased to allow the Civil Application and permit the Applicant to carry out amendment in the cause title of the Writ

Petition by bringing them on record. He submits that if the Civil Application is not allowed irreparable loss will be caused to them.

4 On the other hand, the learned counsel for the Respondent vehemently opposed the Civil Application. He submits that the Applicant has failed to show sufficient cause for condonation of more than 8 months delay in filing the Civil Application. Hence, there is no substance in the Civil Application. Same be dismissed with costs.

5 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application, however, on payment of costs.

6 Hence, the following order is passed:

- a. Delay in making the Civil Application is condoned.
- b. Abatement is set aside.
- c. The Applicant is permitted to carry out amendment in the cause title of the Writ Petition by bringing the legal heirs on record of the sole Petitioner on or before 30.03.2019, failing which the Civil Application shall stand dismissed without further reference to the court.
- d. If amendment is carried out within stipulated time as stated hereinabove, the Applicant to serve an amended copy of the Writ Petition on other side immediately thereafter and file an Affidavit of service to that effect.

e. The Applicant to pay costs of Rs.1500/- to the Respondent or their Advocate within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

f. Civil Application stands disposed of accordingly.

(K. K. TATED, J.)