

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

**CIVIL APPLICATION (ST.) NO.6496 OF 2019
WITH
CIVIL APPLICATION (ST.) NO.6485 OF 2019
IN
WRIT PETITION NO.457 OF 2015**

Dajikaka Gadgil Developers Pvt.Ltd. .. Applicant

V/s.

Sadashiv Siddhappa Bolkothe and Ors. .. Respondents

Ms.Shobha N. Khan I/b Mr.R.V.Govilkar for the applicant

Mr.Sagar Kaursija I/b Mr.T.D.Deshmukh for the respondent no.1

**CORAM: K.K. TATED, J
DATED : MARCH 1, 2019**

P.C. :

1 Not on board. At the request of Advocate for the Applicant, both the Civil Applications are taken on board for urgent orders.

2 Heard.

3 The learned counsel for the Applicant submits that Respondent No.1, Sadashiv Siddhappa Bolkothe expired on 28.02.2016. He submits that thereafter they received letter dated 27.06.2016 from the advocate for Respondent no.1. She

submits that there was delay on their part to bring legal heirs on record of Respondent no.1. Hence, Applicant filed Civil Application (ST) No.6496 of 2019 for condonation of delay.

4 The learned counsel for the Applicant submits that they preferred Civil Application (ST) No. 6485 of 2019 for permitting them to bring legal heirs on record of deceased respondent no.1.

5 The learned counsel for the Respondent legal heirs of deceased Respondent no.1 submits that they have no objection if both the Civil Applications are allowed.

6 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as advocate for legal heirs of deceased Respondent no.1 have no objection, following order is passed:

a Delay in filing Civil Application is condoned.

b Abatement is set aside.

c Applicant is permitted to bring legal heirs on record of deceased Respondent no.1 in Writ Petition No.457 of 2015 on or before 12.04.2019, failing which both the Civil Applications stand dismissed without further reference to the court.

d If amendment is carried out within stipulated time as stated hereinabove, Applicant to serve amended copy of Writ

Petition No.457 of 2015 on Respondent's advocate and legal heirs of deceased Respondent no.1's advocate immediately thereafter on or before 30.04.2019 and file affidavit of service to that effect.

e The learned counsel Mr.Sagar Kaursija undertakes to file Vakalatnama on behalf of legal heirs of deceased respondent no.1 in Writ Petition No.457 of 2015. Same is accepted.

f Both the Civil Application stand disposed of accordingly.

g No order as to costs.

(K.K. TATED, J.)