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Bharat
D. Pandit

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Bharat D. Pandit
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1759 OF 2019
IN
WRIT PETITION NO.5184 OF 1999**

Laxman Govind Phalke
(Since deceased through his heirs
and legal representatives)
1] Shri Sopan Laxman Phalke
and Others

..... Applicants.

In the matter between

Laxman Govind Phalke and Others

..... Petitioners.

V/s

Mr. Ganpat Mahadu Phalke
and Others

..... Respondents.

Mr. Sharad Bhosale I/b Mr. Dilip Bodake for the Applicant.
Mr. Ajit Karwande for Respondent Nos. 1 to 4.

CORAM: NITIN W. SAMBRE, J.

DATE: 31st July, 2019

P.C.:

1] There is delay of 14 years and 55 days caused in bringing the legal heirs of the original Petitioner on record. Petition is preferred in 1999, whereas original Petitioner is died in 2003.

2] Considering the fact that the Petition is already admitted, delay caused in bringing the heirs of the original Petitioner on record is condoned, subject to payment of costs of Rs. 3000/- to be paid by the Applicants to the Kirtikar Law Library within a period of two weeks from today.

3] Amendment be carried out within two weeks from the date the payment of costs is made to the Kirtikar Law Library.

3] Application is allowed in terms of prayer clauses (a) and (d).

4] It has been brought to the notice of this Court that original Writ Petition No.5184 of 1999 is not traceable. Registry to trace the record of the original Writ Petition, so that Applicants will be in a position to carry out appropriate amendment. If record is not traced, the matter be placed before the Registrar (Judicial) for passing the appropriate order of reconstruction.

5] Application stands disposed of.

(NITIN W. SAMBRE, J.)