

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

**CIVIL APPLICATION NO.1618 OF 2019
IN
WRIT PETITION NO. 1859 OF 2006**

Esperence Pereira (dead)

1 a Jeron John Pereira (dead)

through Lrs.

1 b) Edward John Pereira

... Applicant

Vs

Balkrishna Sonu Mane and ors.

... Respondents

...

Ms.Pallavi N. Dubhalkar the applicant.

Mr.Nachiket V. Khaladkar, for the respondents.

...

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 18th JULY 2019.

P.C. :

As the record reveals, the petitioner no.1-a), Jeron John Pereira, died on 21st September 2015. His heir has come up with this Civil Application to bring himself on record. As the respondents' counsel point out, it was filed with a delay of over 3 years.

2. Heard Ms.Dubhalkar for the applicant and Mr.Khaladkar for the respondents.

3. As the proceedings have been initiated under Article 227 of the Constitution of India, the concept of abatement may not apply to these

proceedings. Besides that, while the writ petition has been pending, no further developments have taken place after the petitioner no.1-a's death. After considerable gap, the matter seems to have been relisted only recently. So the delay, if any, may not be fatal and can be condoned.

4. Accordingly, the Court allows the civil application, permitting the applicant to come on record as the legal representative of the deceased petitioner no.1-a.

(DAMA SESHADRI NAIDU, J.)