

Vidya Amin

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

**CIVIL APPLICATION NO. 1668 OF 2019
IN
WRIT PETITION NO. 5760 OF 2016**

Narendra Janardhan Pathak & Ors. ... **Applicants**
V/s.
The Collector of Stamps, Thane City & Ors. ... **Respondents**

Ms. Gauri Godse for the applicants.
Mr. S.H. Kankal, AGP for the respondent nos. 1 and 2/State.

**CORAM : G.S.KULKARNI, J.
DATE : 29th August, 2019**

P.C.:

Heard learned counsel for the applicants and learned AGP for the respondents/State.

2. This Civil Application is filed by the applicants/original petitioners to bring on record the legal representatives of deceased respondent no. 4-Mr. Kanak Yogesh Gohil. On 17th July, 2019, this Court, while issuing notice to the legal heirs of the respondents who are sought to be brought on record, passed the following order:

“1. Issue notices to the respondent nos. 4/1-Yogesh Gopalji Gohil, 4/2-Mohanish Yogesh Gohil and 4/3-Mrs. Kinjal Mitesh Parmar, returnable on 31st July, 2019. In addition to Court Notice, learned advocate for the applicants is permitted to serve respondent by all permissible means including hand delivery and place on record affidavit of service on or before the returnable date. This order be also forwarded along with private notice of the applicants' advocate.

2. It is clarified that despite service, if the respondents, who are sought to

be impleaded, are not appearing in the present Petition, the Court shall proceed to hear this Application and pass appropriate orders and also proceed to pass orders in the principal proceedings.”

3. Accordingly, affidavit of service of Mr. Narendra Janardan Pathak is placed on record to state that the legal heirs of respondent no. 4 are duly served with the copies of the Civil Application as also the principal proceedings. As far as respondent nos. 1 and 2 are concerned, they are represented by learned AGP. Respondent nos. 5,6 and 7 are already served on the Writ Petition and service of the Civil Application was not necessary.

4. Despite service, the respondents proposed to be added are not appearing. Accordingly, as per the earlier order, the Civil Application is taken up for hearing.

5. There is delay of 24 days in filing the Civil Application. The same has been satisfactorily explained in the memo of the Application. Having perused the averments in the Civil Application and on hearing learned counsel for the applicants and the learned AGP, Civil Application is required to be allowed. It is accordingly allowed in terms of prayer clauses (a), (b) and (c). Necessary amendment to be carried out during the course of the day.

6. Civil Application is disposed of in the above terms. No costs.

(G.S.KULKARNI, J.)