

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

**CIVIL APPLICATION NO.2806 OF 2015
IN
WRIT PETITION NO.10325 OF 2014**

Rapid Developers

.. Applicant

V/s.

Smt.Tara Ashok Alias Ms.Tara Ramamurthy
and Ors.

.. Respondents

And

Ashok Nagarajan and Anr.

.. Proposed
Respondents

Ms.Kausar Banatwala a/w Ms.Ami Brahmbhatt I/b Mr.Tiwari
Goradia for the applicants

Mr.M.R.Phal for the respondent no.1

**CORAM: K.K. TATED, J
DATED : JANUARY 15, 2019**

P.C. :

1 Heard.

2 By this Civil Application, the applicant is seeking permission to carry out amendment in Writ Petition for bringing legal heirs on record of deceased respondent no.1, Smt.Tara Ashok alia Ms.Tara Ramamurthy who died on 26.06.2015.

3 The learned counsel for the petitioner submits that they

learnt about the death of respondent no.1 when they received letter dated 09.07.2015 from the Advocate for Respondent. Thereafter, they immediately preferred the present Civil Application. She submits that they filed the present Civil Application within time.

4 On the other hand, the learned counsel for the respondent Mr.M.R.Phal submits that he received instruction to appear on behalf of legal heirs of deceased respondent no.1.

5 Considering the submissions made by the learned counsel for the applicant, averments made in Civil Application and as application is filed within time, I am satisfied that the applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

a) Applicant is permitted to bring legal heirs on record of deceased Respondent No.1 in Writ Petition No.10325 of 2014 on or before 15.02.2019 failing which Civil Application shall stand dismissed without referring back to the court.

b) If amendment is carried out within stipulated time as stated hereinabove, applicant is directed to serve amended copy of Writ Petition on Respondent's advocate and file affidavit of service to that effect.

c) The learned counsel for the legal heirs of deceased Respondent No.1 waives service in Writ Petition No.10325 of 2014.

- d) Civil Application stands disposed of accordingly.
- e) No order as to costs.

(K.K. TATED, J.)