

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2868/2016
IN
WRIT PETITION NO.10153/2015

Khashiba Hariba Mali & Ors. ... Applicants

V/s.

Balu Daji Mali & Anr. ... Respondents

Ms. Asmita Misal I/b.Shivaji Masal for the Applicants

CORAM: K.K. TATED, J.

DATED : FEBRUARY 27, 2019

P.C. :

1 Heard. By this Civil Application, the Applicant is seeking liberty to carry out amendment in the cause title to bring on record the legal heirs of deceased Petitioner No.1 Khasiba Hariba Mali who died on 29.12.2015.

2 Office note dated 29.11.2018 shows that Respondent is duly served.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

4 Hence, the following order:

- a) Delay in making the Civil Application is condoned.
- b) The Applicant to bring the legal heirs on record of deceased Petitioner No.1 on or before 22.03.2019 failing which the Civil Application shall stand dismissed without further reference to the court.
- c) If amendment is carried out within stipulated time as stated hereinabove, the Applicant is directed to serve an amended copy of the Writ Petition, on the Advocate for the Respondents and file an Affidavit of service to that effect within 4 weeks thereafter.
- d) Civil application stands disposed off accordingly.

(K. K. TATED, J.)