

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

**CIVIL APPLICATION NO.1767 OF 2018
IN
WRIT PETITION NO.5863 OF 2016**

Shivaji Ananda Avhad

.. Petitioner

V/s.

Sonabai Jagannath Avhad and Ors.

.. Respondents

Ms.Sneha G. Sanap for the applicant

Mr.Krishna K. Holambe-Patil for the respondent nos.4 and 13

**CORAM: K.K. TATED, J
DATED : FEBRUARY 6, 2019**

P.C. :

1 Heard.

2 By this Civil Application, applicant is seeking to bring legal heirs on record of deceased respondent no.9, Parvatabai Dattatraya Bodke who died on 28.02.2019.

3 The learned counsel Mr.Krishna K. Holambe-Patil submits that he received instruction to appear on behalf of legal heirs of deceased respondent no.9. He submits that he undertakes to file Vakalatnama on behalf legal heirs of deceased Respondent no.9 in Writ Petition No.5863 of 2016. Same is accepted.

4 Considering the submissions made by the learned counsel for the applicant, the averments made in Civil Application and as advocate for legal heirs of deceased respondent no.9 has no objection, following order is passed:

- a. Delay in filing Civil Application is condoned.
- b. Applicant is permitted to bring legal heirs on record of deceased respondent no.9, Parvatabai Dattatraya Bodke in Writ Petition No.5863 of 2016 on or before 08.03.2019 failing which Civil Application shall stand dismissed without referring back to the court.
- c. If amendment is carried out within stipulated time as stated herein above, applicant is directed to provide amended copy of Writ petition No.5863 of 2016 to other side immediately thereafter on or before 22.03.2019 and file affidavit of service to that effect.
- d. Civil Application stands disposed of accordingly.
- e. Applicant is permitted to carryout appropriate amendment in cause title of Writ Petition by providing present correct address of respondent nos.1 to 5.

(K.K. TATED, J.)