

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

**CIVIL APPLICATION NO.2147 OF 2017
IN
WRIT PETITION NO.151 OF 2013**

Abdul Sattar Hasan Bade and Anr. .. Applicants

V/s.

Haleema Usman Bade and Ors. .. Respondents

Mr.G.S.Hiranandani I/b Mr.C.G. Gavanekar for the applicant

**CORAM: K.K. TATED, J
DATED : MARCH 1, 2019**

P.C. :

1 Heard.

2 Office note shows that all the Respondents are duly served. In spite of that no one appeared on behalf of them when the matter was called out.

3 By this Civil Application Applicant is seeking permission to bring legal heirs on record of deceased Respondent no.3 Hidayatullah Hasan Bade who died on 24.01.2017. There is a delay in filing Civil Application.

4 Considering the submissions made by the learned counsel

for the Applicant, the averments made in the Application and as inspite of service no one appeared on behalf of Respondent, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a) Delay in filing Civil Application is condoned.
- b) Applicant is permitted to bring legal heirs on record of deceased Respondent no.3, Hidayatulah Hasan Bade in Writ Petition No.151 of 2013 on or before 30.03.2019 failing which the Civil Application shall stand dismissed without further reference to the court.
- c) If legal heirs are brought on record within stipulated time as stated hereinabove, Registry is directed to issued notice to added Respondent in Writ Petition No.151 of 2013, returnable on 28.06.2019.
- d) In addition to usual mode of service, the applicant is permitted to serve the added Respondent in Writ Petition No.151 of 2013 along with entire proceedings by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect on or before next date.
- e) Civil application stands disposed off accordingly.
- f) No order as to costs.

(K.K. TATED, J.)