

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 2111 OF 2019****IN****WRIT PETITION NO. 5365 OF 2004**

Laxman Ganesh Tulshibagwale
(Since deceased through LHR
Shripad Chandrakant Tulshibagwale)

.....Applicant.

IN THE MATTER BETWEEN-

Shri Ramji Sansthan, Tulshibag & Ors.

.....Petitioners.

Vs.

The State of Maharashtra & Ors.

.....Respondents.

Smt. Shaba Khan a/w Smt. Kinjal Jani i/by R.V. Govilkar for the
Applicant.

Smt. V.S. Nimbalkar AGP, for the Respondent Nos. 1 to 3-State.

CORAM : A. S. GADKARI, J.

DATE : 26th SEPTEMBER, 2019.

P.C.:-

This is an Application for substituting the Original
Petitioner No.3 in the Petition by the Applicant. There is a delay of 13
years 8 months and 13 days in filing the present Application.

2 The learned counsel for the Applicant submitted that, the Petitioner No.1 was in-charge of the present litigation and was following up the matters on behalf of the Petitioners Trust. She submitted that, when the present Petition came up for final hearing before this Court, the Advocate on record for the Petitioners informed the said fact to the Petitioners whereupon, she received instructions that the Petitioner No.3 was expired on 15th February, 2006. She further submitted that, it was never pointed out to the other Petitioners that, it was necessary to bring substituted Trustees on record in the Petition.

3 The record indicates that, the Applicant has been appointed as a new Trustee by following due procedure of law.

A perusal of the record would indicate that, sufficient cause for condonation of delay is made out. In view thereof, the delay is condoned and the abatement, if any, is set aside.

The Application is allowed in terms of prayer clauses (a) and (b).

4 In view thereof, the Petitioners are directed to delete the name of the Original Petitioner No.3 and incorporate the name of Applicant in his place as newly appointed Trustee.

The Petitioners are directed to carry out necessary amendment within a period of three weeks from today and to serve the copy of the Petition upon the Respondents within the same stipulated period.

(A.S. GADKARI, J.)