

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

**CIVIL APPLICATION NO. 129 OF 2017
WITH
CIVIL APPLICATION NO. 203 OF 2014
IN
REVIEW PETITION (ST) NO. 28873 of 2013
IN
CIVIL REVISION APPLICATION NO. 984 OF 2012**

Shri Ramdhani Sukhraj Varma & Anr. ...Applicants

Versus

Shri Anant S. Bortode & Ors. ...Respondents

B. K. Bali & Anju Singh i/b Bali Associates - Advocate for the
applicant.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 29th AUGUST 2019.

P.C. :

This is a review petition filed in 2013; it was filed against this Court's order, dated 27.08.2013, in Civil Revision Application No. 984 of 2012. As the review petition was filed with a delay of three days. The Registry gave stamp number to the proceedings.

2. When the petitioners could not serve the notice on the respondent, they filed Civil Application No. 197 of 2016, for substitute service. Through order, dated 7.06.2017, this Court permitted the petitioners to do so. Then, the petitioners published the notice on 9.10.2017 and filed proof affidavit on 01.11.2017.

3. In the meanwhile, the second petitioner died. The first petitioner, his brother, filed Civil Application No. 129 of 2017 to bring on record the second petitioner's legal representative.

4. To give a quietus to the litigation, I condone the delay and direct the Registry to number the review petition. Thus, Civil Application No. 203 of 2014 is allowed. Besides that, as no notice could be served on the respondents earlier, it would be fruitless if the Court insisted on the service of notice to the respondents in the application for impleading the deceased second petitioner's legal representatives. Thus, Civil Application No. 129 of 2017 is allowed. The petitioner is permitted to amend the pleadings forthwith.

Post the matter next week for disposal.

[DAMA SESHADRI NAIDU, J.]