

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

**CIVIL APPLICATION NO.86 OF 2019
IN
WRIT PETITION NO.4278 OF 2016**

Vijay Haribhau Deshpande .. Applicant

In the matter of:

Pramila Hari Deshpande .. Petitioner

V/s.

Houseram Bapurao Sagar .. Respondent

Mr.Abhijit Desai I/b Mr.Nitin P. Deshpande for the applicant
None for the respondent

**CORAM: K.K. TATED, J
DATED : JANUARY 25, 2019**

P.C. :

1 Heard.

2 Advocate for the Applicant submits that Respondents are duly served through their advocate. He undertakes to file affidavit of service on or before 08.02.2019. Same is accepted.

3 By this Civil Application, Applicant is seeking permission to bring legal heirs on record of sole Petitioner Pramila Hari Deshpande who died on 26.03.2018.

4 The learned counsel for the Applicant submits that there is a delay in filing Civil Application. He submits that in the interest

of justice, this Hon'ble Court be pleased to condone the delay in filing the present Civil Application. He submits that if delay is not condoned, irreparable loss will be caused to the Applicant.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as 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 them on record as legal heirs of sole Petitioner in Writ Petition No.4278 of 2016.
- c) Amendment be carried out on or before 22.02.2019, failing which the Civil Application shall stand dismissed without further reference to the court. .
- d) If amendment is carried out within stipulated time as stated hereinabove, Applicant is directed to serve amended copy of Writ Petition on other side either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect on or before 29.03.2019.
- e) Civil Application stands disposed of accordingly.

(K.K. TATED, J.)