

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

**CIVIL APPLICATION NO.155 OF 2019
IN
WRIT PETITION NO.5668 OF 2016**

Charu Kaul .. Applicant

V/s.

Kalpana Narendra Pandit and Ors. .. Respondents

Mr.Umesh A. Breed for the applicant

Mr.Kunal M. Damale for the respondent nos.4A to 4D

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

P.C. :

1 Heard.

2 By this Civil Application Applicant is seeking permission to bring legal heirs on record of deceased Respondent no.4, Dilip Narendra Pandit who died on 28.01.2015.

3 The learned counsel Mr.Kunal M. Damale submits that he received instructions to appear on behalf of legal heirs of deceased Respondent no.4. He further submits that he does not have any objection if Civil Application is allowed.

4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as advocate appearing for legal heir for deceased Respondent no.4 have no objection, 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) Abatement is set aside.
- c) Applicant is permitted to bring legal heir on record of deceased Respondent no.4 in Writ Petition No.5668 of 2016 on or before 30.03.2019 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 no.5668 of 2016 on Respondent or their advocate on or before 30.04.2019 and file affidavit of service to that effect.
- e) The learned counsel for the legal heirs of deceased Respondent no.4 in Writ Petition no.5668 of 2016 waives service.
- f) Civil application stands disposed off accordingly.
- g) No order as to costs.

(K.K. TATED, J.)