

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

**CIVIL APPLICATION (ST.) NO.29406 OF 2018
IN
WRIT PETITION NO.1585 OF 2016**

Ashok Ramchandra Palekar and Ors. .. Applicants

V/s.

Raghunath Keshav Palekar and Ors. .. Respondents

Mr.Sachin Padiye I/b Mr.Girish Agarwal for the applicants

**CORAM: K.K. TATED, J
DATED : MARCH 6, 2019**

P.C. :

1 Not on board. At the request of Advocate for the Applicant, matter is taken on board for urgent orders.

2 By this Civil Application Applicant is seeking permission to bring legal heirs on record of deceased Petitioner no.2, Vijay Ramchandra Palekar, who died on 8.3.2018.

3 There is a delay in filing Civil Application.

4 The learned counsel for the Applicant submits that for want of knowledge about the pendency of the present proceeding, there is a delay in filing the Civil Application. He submits that in the interest of Justice, this Hon'ble Court be pleased to condone

the delay in filing the Civil Application and allow the Applicant to bring legal heirs on record of deceased Petitioner no.2.

5 On the other hand, the learned counsel for the Respondent submits that they do not have any objection if delay is condoned and Applicant is permitted to bring Applicant on record as Petitioner no.2.

6 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as advocate for the Respondent 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 the present Civil Application is condoned.
- b. Applicant is permitted to bring legal heirs on record of deceased Petitioner no.2 in Writ Petition No.1585 of 2016 on or before 30.03.2019, failing which the Civil Application shall stand dismissed without further reference to the court.
- c. If amendment is carried out within stipulated time as stated hereinabove, the Applicant is directed to serve an amended copy of the Writ Petition on the Advocate for the other side on or before 30.04.2019 and file affidavit of service to that effect
- d. Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K. TATED, J.)