

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.271 OF 2016
IN
WRIT PETITION NO.5314 OF 2013

Shri. Yashwantrao Bhimrao Deshmukh
(since decd.) through LR's and Ors. .. Applicants
Versus
Rohan Builders India Pvt. Ltd., through
Board of Directors and ors. .. Respondents

Mr. Anilkumar K. Patil for applicants.
Mrs. Pushpa Thapa I/b Kavita A. Shah for respondent No.2.
Mr. A.B. Tajane for respondent Nos. 1A to 1G.
Mr. P.S. Dani, Senior Counsel a/w Mr. H.N. Vakil a/w Mr. Rushil Mathur I/b Mulla & Mulla & CBC for respondent Nos. 4, 4A to 4E, 4G to 4I.
Mr. Sagar Karsija I/b T.D. Deshmukh for respondent Nos. 3A and 3B.

CORAM : K.K. TATED, J.

DATE : 20 FEBRUARY 2019.

P.C:-

. Heard learned Counsel for the parties.

2. By this civil application, applicant is seeking permission to treat the petitioner Nos. 2 and 3 as a legal heir of deceased petitioner No.1 Shri. Yashwantrao Bhimrao Deshmukh who died on 18.11.2013.

3. Considering the submissions made by learned Counsel for the applicant, averments made in the civil application, I am

satisfied that the petitioner has made out case for allowing this civil application. Hence, following order :-

- a) Delay in filing Civil Application is condoned.
- b) Abatement set aside.
- c) Applicant is permitted to bring the legal heirs on record of deceased petitioner No.1 in writ petition No.5314 of 2013.
- d) Applicant is permitted to treat petitioner Nos. 2 and 3 as a legal heirs of petitioner No.1.
- e) Amendment to be carried out on or before 22.03.2019, failing which civil application shall stand dismissed without reference to the Court.
- f) If amendment is carried out within stipulated time, applicant is directed to serve the amended copy of the writ petition on other side immediately thereafter and file affidavit of service to that effect.
- g) Civil Application stands disposed of accordingly.
- h) No order as to costs.

(K.K.TATED, J.)