

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

**CIVIL APPLICATION NO.63 OF 2018
IN
WRIT PETITION NO.807 OF 2015**

Surekha Ramakant Patankar .. Applicant

V/s.

Shankar Sripat Dhadwe and Anr. .. Respondents

Mr.R.R.Salvi I/b Mr.P.R.Salvi for the applicant

Mr.Priyan K. Shukla a/w Mr.R.D.Mishra for the respondent no.1

**CORAM: K.K. TATED, J
DATED : JANUARY 15, 2019**

P.C. :

1 Heard.

2 By this Civil Application, the applicant is seeking permission to carry out amendment in Writ Petition for bringing legal heirs on record of deceased respondent no.1, Shankar Sripat Dhadwe who died on 22.10.2016. There is a delay in filing Civil Application.

3 The learned counsel for the applicant submits that as soon as they learnt about the death of respondent no.1, they preferred the present Civil Application. He submits that for want of knowledge there was delay on their part to prefer the present

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.

4 The learned counsel for the Respondent No.1 submits that he received instruction to appear on behalf of legal heirs of deceased Respondent No.1. He further submits that he does not have any objection to allow the present Civil Application.

5 Considering the submissions made by the learned counsel for the applicant, averments made in Civil Application and as Advocate for legal heirs of Respondent no.1 has no objection, I am satisfied that the applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

- a) Delay in preferring Civil Application is condoned.
- b) Applicant is permitted to bring legal heirs on record of deceased Respondent No.1 in Writ Petition No.807 of 2015 on or before 15.02.2019 failing which Civil Application shall stand dismissed without referring back to the court.
- c) If amendment is carried out within stipulated time as stated hereinabove, applicant is directed to serve amended copy of Writ Petition on Respondent's advocate and file affidavit of service to that effect.
- d) The learned counsel Mr.Priyan K. Shukla undertakes to file Vakalatnama on behalf of the legal heirs of deceased Respondent

No.1 in Writ petition No.807 of 2015.

- e) Civil Application stands disposed of accordingly.
- f) No order as to costs.

(K.K. TATED, J.)