

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (C.A.O.) No.2043 of 2018 in
Misc. Civil Application St. No.10120 of 2018 in
Writ Petition No.5223 of 2004

(Maharashtra State Mining Corporation Ltd. vs. Pranabesh Chandra Chakraborty and another)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.Rohit Sharma, Advocate h/f. Mr.Prashant Dahat,
Advocate for the applicant.
Mr.Vikram Marpakwar, Advocate for legal heirs of non-
applicant no.1.
Mr.A.D.Sonak, A.G.P. for non-applicant no.2/State.

CORAM : P. N. DESHMUKH &
MRS.SWAPNA JOSHI, JJ.

DATE : 1.2.2019.

Heard.

This application is filed for condonation of 3696 days' delay caused in preferring review application against Judgment, dt.15.12.2017 passed in Writ Petition No.5223 of 2004. Learned Counsel for the applicant submitted that, during pendency of the petition, out of which present review arises, non-applicant no.1/Original petitioner died on 15.6.2008, while the petition came to be decided on 15.12.2017. It is also pointed out that, in spite of original petitioner having been represented by his Counsel, fact of demise of petitioner was not brought to the notice of this Court nor steps were taken to bring his legal heirs on record and in the circumstances, Judgment came to be passed as aforesaid partly allowing the petition.

Having considering the subject matter involved in the petition and since the learned Counsel for legal heirs of original petitioner/non-applicant no.1 and learned Assistant Government Pleader for non-applicant no.2 have not seriously opposed for condonation of delay, the application is allowed.

Civil Application No.2044 of 2018 in MCA St. No.10120 of 2018 in W.P. No.5223 of 2004 :

Heard learned Counsel for the applicant/Original respondent no.1, learned Counsel for proposed legal heirs of non-applicant no.1/Original petitioner and learned Assistant Government Pleader.

This application is for bringing legal heirs of non-applicant no.1/Original petitioner on record. For the reasons mentioned therein, the application is allowed.

Applicant/Original non-applicant no.1 to carry out amendment within two weeks to bring on record legal heirs of Original petitioner/non-applicant no.1 named in para no.2 of the application.

Mr.Vikram Marpakwar, learned Counsel waives service on behalf of newly added Non-applicants.

Mr.A.D.Sonak, learned Assistant Government Pleader waives service on behalf of Non-applicant no.2/State.

Stand over to 15.2.2019.

Pursis St.No.13925 of 2018

Learned Counsel for the applicant/respondent

no.1, on instructions, does not press the pursis.

JUDGE

JUDGE

**jaiswal*