

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

WRIT PETITION NO. 3057 OF 2019

Ambaji Dnyanu Patil

...Petitioner.

vs.

The State of Maharashtra and ors.

...Respondents.

Mr. Rahul P.Walvekar for the Petitioner.

Mr. Y.D.Patil, AGP for Respondent Nos. 1 to 3.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th January, 2020

PC:

1. Heard learned counsel for the petitioner.
2. By this petition, the petitioner has impugned the order dated 6.9.2017 passed by the 4th Joint Civil Judge, Senior Division, Kolhapur below Exhibit 156 in Regular Civil Suit No.451 of 1999, by which the petitioner's application for bringing the legal heirs of plaintiff No. 10 was rejected. (Petitioner is the sole legal heir of plaintiff No.10.).
3. Perused the papers as well as impugned order. The original plaintiff has filed a suit for declaration that the order issued by the Circle Officer be declared as void. The said suit was filed in the year 1999. The petitioner is the sole heir of plaintiff No.10 who expired in the year 2002. The application i.e. Exhibit 156 was filed in the year 2017. i.e. after almost 15 years of the demise of the petitioner's father i.e. plaintiff No.10. As rightly noted by the learned Judge, the said application filed by the petitioner has not even sought relief for setting aside the abatement of the suit of plaintiff No.10 i.e. petitioner's father. The impugned order is of

September, 2017 and the present petition has been filed belatedly i.e. after more than one year. No infirmity can be found in the impugned order. Petition is dismissed.

REVATI MOHITE DERE, J.