

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2874 OF 2017
IN
WRIT PETITION NO. 10000 OF 2015
WITH
WRIT PETITION NO. 10000 OF 2015**

Hasnain Zoed Ukani	...Applicant
In the matter between	
Abbas Rasulbhai Ukani	...Petitioner
Vs	
The State of Maharashtra & Ors.	...Orig. Respondents
AND	
Salma Saifuddin Vana & Ors.	...Proposed Respondents

Mr. Bhushan Deshmukh a/w. Pranali i/b Ajay Joshi for the Applicant.
Ms Shaymali Gadre a/w. Pradnyesh Lokegaonkar & Tanvi Doshi i/b Little & Co. for the Respondent Nos. 2 to 4-MIDC.
P. P. Kakade, Gov. Pleader a/w. P. N. Diwan for the Respondent-State.

**CORAM : A. A. SAYED &
 ANUJA PRABHUDESSAI, JJ.
DATED : 22nd January, 2020**

P.C.:

By this Civil Application, the Applicant, who claims to be the co-owner of the subject property, seeks to be impleaded as the Petitioner in place of the deceased original Petitioner, in his capacity as co-owner of the subject property.

2. It is an admitted position that the sole Petitioner died on 4th April, 2017. The heirs and legal representatives of the deceased Petitioner including the Respondent No. 8 in the Civil Application

who is stated to be the son of the deceased Petitioner have not made any Application to bring themselves on record in place of the deceased Petitioner. Moreover, it is required to be noted that the Petition was filed by the deceased Petitioner claiming to be the sole and absolute owner of the subject property. In our view, the Applicant is not entitled to bring himself on record as the Petitioner in the Petition in place of the deceased Petitioner on the alleged ground that he is the co-owner of the subject property, which Petition stands abated after the death of the sole Petitioner on 4th April, 2017.

3. The Civil Application is dismissed. The dismissal of the Civil Application shall not preclude the Petitioner from resorting to any remedy available to him in law.

4. Since the Writ Petition has abated, the Writ Petition to stand disposed of.

(ANUJA PRABHUDESSAI, J.)

(A. A. SAYED, J.)