

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Basavraj
G. Patil

Digitally signed by
Basavraj G. Patil
Date: 2020.01.09
16:12:46 +0530

Chamber Summons NO.12/2019

in

Writ Petition No.2808/2017

Baburao Rambhau Kharat & Ors. Applicants

Vs.

State of Maharashtra & Ors. Respondents

Mr. E. K. Sasidharan for the Applicant

Ms. Uma Palsuledesai, AGP for Respondent No.1.

Mr. S. P. Thorat for Respondent No.2.

**CORAM: K.K.TATED &
SARANG V. KOTWAL,JJ.**

DATED : JANUARY 7, 2020

P.C.

1 Heard. By this Chamber Summons, the Applicant is seeking to bring the legal heirs on record of deceased Petitioner No.11 Chaya L. Chavan who died on 21.04.2018.

2 The learned counsel for the Applicant submits that there is delay in filing the Chamber Summons. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay and allow the Chamber Summons to bring the legal heirs on record of deceased Petitioner No.11.

3 Considering the submissions made by the learned counsel for the Applicant and the averments made in the affidavit in support of the Chamber Summons, we are

satisfied that the Applicant has made out a case for allowing the Application.

4 Hence, following order is passed:

a. The Chamber Summons is allowed in terms of prayer clauses (a) to (d) which read thus:

“(a) The delay of 166 days in taking out the present Chamber Summons be condoned.

(b) The abatement of the Writ Petition as against the Petitioner No.11, be set aside.

(c) The amendment in the title of the Petition as per the Schedule annexed hereto be allowed.

(d) Consequential amendments be permitted to be carried out in the Writ Petition.”

b. The Applicant to carry out amendment in the Writ Petition on or before 18.01.2020, failing which the Chamber Summons shall stand dismissed without further reference to the court.

c. If the amendment is carried out within stipulated time as stated hereinabove, the Applicant to serve an amended copy of the Writ Petition on other side immediately thereafter.

d. The Chamber Summons stands disposed of accordingly.

e. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)