

Vdk

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2104 OF 2021
IN
WRIT PETITION NO. 9055 OF 2019

Baburao s/o. Krushnaji Patil (Died)
Through its legal heirs
Sanjay Baburao Patil and another Applicants

Versus

The State of Maharashtra and others Respondents

...
Mr. T. M. Venjane, Advocate for applicants
Mr. S. P. Sonpawale, AGP for respondents no. 1 to 3
Mr. K. K. Kulkarni, Advocate for respondent no. 4
...

[CORAM : SUNIL P. DESHMUKH AND
ABHAY AHUJA, JJ.]

DATE : 9th February, 2021

ORDER :

1. Heard learned counsel for the parties.
2. Learned counsel for applicants submits that the applicants are legal heirs left behind by original writ petitioner and that they deserve to be brought on record in the original proceeding. Original petitioner died in the month of August, 2020 and application has been moved during the pandemic / lock-down. He therefore, submits that the application be liberally considered and granted.

3. On the other hand, Mr. Kulkarni, learned counsel for respondent no. 4 purports to resist stating that the application is not within time and no application has been filed for delay condonation.

4. However, looking at that the original petitioner died in August, 2020 and the application has been filed in December, 2020 during Pandemic / lock down and further the original proceedings are moved under Article 226 of the Constitution of India invoking writ jurisdiction, we do not think it appropriate to view the matter too pedantically.

5. Having regard to aforesaid, civil application is allowed in terms of prayer clause 'B' and is disposed of.

[ABHAY AHUJA]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE