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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

909 CIVIL APPLICATION NO.6043 OF 2021
IN WP/2492/2020 WITH WP/2492/2020

UTTAM VITHAL VAIDYA DIED THR LRS RAMKOR UTTAM
VAIDYA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr S. R. Kolhare, Advocate for applicants;
Mr S. G. Sangle, A.G.P. for respondent No.1;
Mr S. R. Bagal, Advocate for respondent No.5

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 15th July, 2021

PER COURT:

1. Leave to correct the description of respondent No.3. Correction be carried out forthwith.
2. The learned Advocate for the applicants is expected to serve copies of the civil application upon all the respondents, who have appeared in the writ petition. Henceforth, the learned Advocate would ensure such service.
3. By this civil application, the applicants claim to be legal representatives of the sole petitioner, who has passed away. This application is filed with a delay of one day.

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4. Mr Bagal, learned Advocate, though was not served with the copies of the civil application, in fairness submits that the delay is minor, can be condoned and the legal representatives may be brought on record.

5. In view of the above, this civil application is allowed. The delay of one day is condoned. The applicants shall be brought on record in the writ petition within two weeks from today.

6. The office remark in the writ petition indicates that though respondent No.3 has been served, the stamp of the school name appears to be different and hence it is treated as non-service.

7. We find from the stamp that the Headmaster, respondent No.3, has affixed the same as being Headmaster of the Vidyasagar Vidyalaya, which is the school being operated by respondent No.4. The petitioner has wrongly described respondent No.3 in the cause title, though the service seems to be correctly made on the Headmaster. Therefore, service on respondent No.3 is complete.

8. Since the notice of respondent No.4 is un-served, though the Headmaster of the school operated by respondent No.4 is served, office to reissue notice to respondent No.4, returnable on 18/08/2021.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk