

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

905 CIVIL APPLICATION NO.10328 OF 2021
IN WP/5425/1998

DHULE MUNICIPAL COUNCIL THROUGH CHIEF OFFICER
VERSUS
GANESH(KISHOR)MADHUKAR PATIL AND OTHERS

...
Mr. S. P. Shah, Advocate for Applicant
Mr. N. L. Choudhari, Advocate for R/1,2a To
2c,3,4,5a,5b,6,7a To 7c,8,9,11to 13,14a To
14c,17,19,20,22a To 22d,23 To 26,28,29,30a

...

CORAM: N. B. SURYAWANSHI, J.

DATED: 29th SEPTEMBER, 2021.

P.C. :

Heard learned advocate for the applicant and respondents.

2. Learned advocate for the respondents submits that if the applicant does not insist for bringing on record the death certificates of respondent nos. 10, 16 and 24 he has no objection to allow the present application.
3. In that view of the matter, the application is allowed.
4. Order dated 30th July, 2021 passed in Writ Petition No. 5425 of 1998 is hereby recalled and the petition is restored at its original position.
5. The delay in bringing legal heirs of respondent nos. 10, 16 & 24 is condoned and the order of abatement passed against them is set aside.

6. The applicant is permitted to bring on record the legal heirs of deceased respondent no. 10, 16 and 24.
7. Writ Petition No. 5425 of 1998 be listed for final hearing as per its turn.

(N. B. SURYAWANSHI, J.)

vsm/