

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 96 OF 2021
IN
WRIT PETITION NO. 10024 OF 2009

Narmada Baburao Kamble since deceased
through her legal heirs

Ms. Sujata Baburao Kamble and Anr .. Applicants

Versus

Mr. Padamakar S. Saliyan and Anr. .. Respondents

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- Mr. Chinmay Deshpande a/w. Trushna Shah i/by Tejash Dande and Associates for the Applicants
- Mr. Rajesh Datar i/by D.S. Pagare, Advocate for the Respondent No.1
- Mr. S.D. Rayrikar, AGP for Respondent No.2 - State

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CORAM : MILIND N. JADHAV, J.

DATE : 16th DECEMBER, 2021.

P.C.:

Heard learned counsel appearing for the respective parties.

2. The present Civil Application has been taken out for the following reliefs:

"b. The delay of one year and nine months in filing Civil Application for bringing Legal Heir's on record may kindly be condoned;

c. That the abatement of Writ Petition No. 10024 of 2009, against the Petitioner, may kindly be set aside;

d. The legal heirs of the Petitioner as described in para 2

as 1(a) to 1(b) may kindly be added as the Applicants and Leave to Amend the cause title of Writ Petition No. 10024 of 2009 accordingly be granted."

3. For the reasons stated in the Civil Application, I am inclined to allow the Civil Application.

4. Mr. Datar, learned counsel appearing for the Respondent No.1 has drawn my attention to the Affidavit-in-Reply dated 01.08.2019 to oppose the Civil Application, though he fairly does not really press for the same.

5. I have considered the pleadings and submissions made by the parties.

6. Civil Application stands allowed in terms of prayer clauses 'b', 'c' and 'd'.

7. Necessary amendment to be carried out within a period of three weeks from today. Copy of the amended petition shall be served on the Respondents within a period of two weeks thereafter. Re-verification is dispensed with.

[MILIND N. JADHAV, J.]