

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1946 OF 2021
IN
WRIT PETITION NO. 2446 OF 2020**

Santosh Sambhaji Rakte
(Since deceased through his
legal heirs)

... Applicant

Vs.

The State of Maharashtra and Ors.

... Respondents

Mr. Mr. Laxman S. Deshmukh, Advocate for Applicant.
Mr. V. M. Mali, Learned AGP for State- Respondents No. 1 to 3.
Mr. Sachin Thorat, Advocate for Respondents No. 4 and 5.

**CORAM : R.D. DHANUKA &
ABHAY AHUJA, JJ.
DATE : 14TH SEPTEMBER 2021**

P.C. :

1. Heard learned counsel for the applicant.
2. By this application, applicant is seeking to bring legal heirs of the petitioner on record, for setting aside the abatement and for condonation of delay.
3. Perused the application. This application deserves to be allowed. Accordingly, application is allowed for the reasons contained in the application.

4. Application is allowed in terms of prayer clauses A and B. Amendment to be carried out within two weeks.

5. Petitioner is directed to serve the amended copy of petition upon the respondents within a period of one week thereafter. Reply, if any, to be filed within two weeks from the date of service of amended copy of the petition with copy to be served upon the petitioner's advocate simultaneously. Rejoinder, if any, to be filed within one week thereafter with a copy to be served upon the respondent's advocate simultaneously.

6. List the matter on board for admission on 13th October 2021.

7. Interim application is disposed of accordingly.

8. Learned counsel for the petitioner also seeks leave to amend in the writ petition no. 2446/20 to include the prayer to seek appointment on compassionate ground in addition to other prayers of the petition.

9. Leave to amend is granted in the writ petition no. 2446/20.
Amendment to be carried out within one week.

(ABHAY AHUJA, J.)

(R.D. DHANUKA, J.)