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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3177 OF 2021
IN
WRIT PETITION NO. 1409 OF 2019
WITH
WRIT PETITION NO. 1409 OF 2019

Anil Sopanrao Gaikwad and Anr.

...Applicants

Versus

The Divisional Commissioner, Pune
Division, Pune and Ors.

...Respondents

Mr. Nitin Deshpande for the Applicant.

Ms. M.S. Bane, AGP, for the Respondent – State.

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.

DATE : NOVEMBER 15, 2021.

PER COURT :

1. The submission is, during the pendency of Petition the Respondent No. 9 Khaserao Palande expired on 23rd May, 2019 leaving behind five legal heirs referred to in paragraph 6 of the Application.

2. It is further submitted that due to unforeseen difficulties such as, the breakdown of Covid 19 pandemic and declaration of lock-down the Applicants were unable to receive the instructions timely as such, the same

resulted in causing delay of 2 years and 99 days. It is, thus, submitted that the delay being unintentional and have bonafide reasons, the delay be condoned and the Applicants be permitted to bring on record the legal heirs of Respondent No. 9.

3. It is also submitted that the Petition revolves around the agricultural land and an award declared by the State Government on 18th January, 2003, the legal heirs are the necessary parties to the Petition.

4. In view of the submission of the learned Counsel for the Applicants as well as for the reasons stated in the Application, the delay of 2 years and 99 days is condoned. The Application is allowed in terms of prayer clause 'a'.

5. The Applicants are permitted to carry out necessary amendment in the Petition. On carrying out the necessary amendment in the Petition by bringing the legal heirs on record, issue notice to those legal heirs of Respondent No. 9, returnable on 03rd January, 2022.

6. Petitioners are permitted to serve the newly added Respondents by way of any legally permissible mode and place on record service affidavit.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)