

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

**CIVIL APPLICATION NO. 2185 OF 2019
IN
WRIT PETITION NO. 2980 OF 2019**

Pandurang Maruti Kale & Ors. ... Applicants

IN THE MATTER BETWEEN

Shivaji Maruti Tone & Ors. ... Petitioners

Versus

State of Maharashtra & Ors. ... Respondents

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Mr. Manoj Patil i/b Mr. Y.B. Lengare a/w Mr. Wilson Robi for the Applicants.

Mr. C.D. Mali, A.G.P for the Respondent-State.

Mr. B.S. Mahamulkar for Respondent No.3.

Mr. Sheroy M. Bodhanwalla a/w Ms. Sakshi Sharma i/b M/s. Bodhanwalla & Co. for Respondent No.4.

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**CORAM : K.K. TATED &
R.I. CHAGLA, JJ.**

DATE : 10th FEBRUARY, 2021.

P.C. :-

1 Heard learned Counsel for the parties.

2 The learned Counsel Mr. Manoj Patil appearing for the

Applicants submits that by the Civil Application they are seeking permission to bring the legal heirs of the Petitioner No.59 Pandurang Maruti Kale who expired on 17.07.2019 on record.

3 The learned Counsel for the Applicants submits that in the present proceeding they are seeking directions against Respondent No.4 RCF Company to provide the work of loading/unloading to the Petitioners in accordance with the provisions of the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969 and Grocery Markets or Shops Unprotected Workers (Regulation of Employment and Welfare) Scheme, 1970. He submits that during the course of argument he has realized that unless and until the legal heirs are registered with the Mathadi Board, there is no question of claiming any relief on behalf of them. He further submits that the Petitioner Nos.18, 22, 48, 49, 50, 52, 52A and 54 have also expired. He submits that in the interest of justice this Hon'ble Court be pleased to allow the Petitioners to delete the name of these Petitioners from the cause title of the Petition with liberty to file appropriate proceedings if their legal heirs are registered with Mathadi Board. To that effect, the learned Advocate for the Petitioners has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted.

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Hence, the following order is passed :

i) Civil Application stands disposed of as withdrawn with liberty as prayed.

ii) The Petitioner is permitted to delete the name of the Petitioners No.18 - Vitthal Maruti Bichukale, No.22 - Bayaji Sakharam Tone, No.48 – Kondiba Ananda Kokare, No.49 – Vitthal Tukaram Kolekar, No.50 – Kisan Kesu Pavane, No.52 – Bajirang Ananda Kokare, No.52A – Sachin Bajirang Kokare, No.54 – Kundlik Hariba Khandekar and No.59 – Pandurang Maruti Kale, from the cause title of the Petition.

iii) Amendment to be carried out within four weeks from today.

iv) No order as to costs.

Waishali
S.
Waghmare
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(R.I. CHAGLA, J.)

(K.K. TATED, J.)