

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 90 OF 2021
WITH
WRIT PETITION NO. 2499 OF 2016

Laxman Masu Alkunde

.. Applicant

Versus

Vikas Madhukar Ambade since deceased
through legal heirs Megha Vikas Ambade and
Ors.

.. Respondents

-
- Mr. Nikhil Mallelwar i/by Mr. Sachin Pawar for the Applicant.
-

CORAM : MILIND N. JADHAV, J.

DATE : 16th DECEMBER, 2021.

P.C.:

Heard Mr. Nikhil Mallelawar, learned counsel holding for Mr. Sachin Pawar, Advocate for the Applicant. The present Civil Application is filed for setting aside the order dated 11.10.2017 by which the Writ Petition stood abated because the Petitioner had not taken any steps to bring on record the legal heirs of the deceased party Respondent within the prescribed time.

2. The Applicant has further sought condonation of delay in filing the present Civil Application and to bring the legal heirs of the deceased Respondent No.1 on record.

3. For the reasons stated in the Civil Application, I am inclined to allow the present Civil Application in terms of prayer clauses 'a', 'b' and 'c'.
4. The abatement vide order dated 11.10.2017 stands set aside. Writ Petition is restored to file. Delay, if any, in filing the present Civil Application stands condoned. The Applicant shall carry out the necessary amendment within a period of three weeks from today. Copy of the amended petition shall be served on the newly added Respondents within a period of two weeks thereafter. Re-verification is dispensed with.
5. Civil Application stands disposed of in the above terms.
6. Writ Petition to appear on board on 24.01.2022.

[MILIND N. JADHAV, J.]

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by AJAY
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