

Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 1920 OF 2020

IN

WRIT PETITION NO. 2015 OF 2019

Ramchandra Building Tenant's
Association and Ors.

.. Applicants

In the matter of
Ramchandra Building Tenant's
Association and Ors.

.. Petitioners

Vs.

Maharashtra Housing and Area
Development Authority & Ors.

.. Respondents

.....

Mr. Jitendra B. Mishra a/w Mr. Ashutosh Mishra for the applicants
Mr. P.G. Lad for respondent nos.1 & 2

CORAM : K.K. TATED &

PRITHVIRAJ K. CHAVAN, J.J.

DATED : 24th AUGUST, 2021

P.C.

1. Heard learned Counsel for the parties.
2. The learned Counsel for the applicants submits that legal heirs of deceased respondent no.3 are duly served. He undertakes to file affidavit of service to that effect within two weeks from today.
3. By this application, the applicant is seeking to bring on record the legal heirs of respondent no.3 – Laxmibai Dhalumal Jatwani, who expired on 6th October, 2019. The

learned Counsel for the applicant submits that though the respondent no.3 is expired on 6th October, 2019, they learnt about the same from one of the legal heirs of the deceased respondent no.3. He submits that the present Interim Application is filed on 4th March, 2021. He submits that in the interest of justice this Hon'ble Court be pleased to condone the delay, if any, and applicant be allowed to amend the petition thereby bringing the legal heirs of respondent no.3 on record in Writ Petition No. 2015 of 2019.

4. Considering the submissions made by the learned Counsel for the applicant, averments made in the application and as the legal heirs of deceased respondent no.3 are duly served, we are satisfied that the applicant has made out a case for allowing this application. Hence, the following order is passed :-

ORDER

- (i) The delay in filing the application is condoned.
- (ii) The applicant is allowed to bring legal heirs of deceased respondent no.3 on record in Writ Petition No. 2015 of 2019.
- (iii) Amendment to be carried out on or before 9th September, 2021.
- (iv) If the amendment is carried out within time, the

applicant is directed to serve the amended copy of Writ Petition No. 2015 of 2019 on all the respondents as well as legal heirs of deceased respondent no.3 by private notice either by R.P.A.D. and / or hand delivery and file affidavit of service to that effect on or before 30th September, 2021.

(v) Interim Application is disposed of accordingly.

(vi) No order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K. TATED, J.)