

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 4905 OF 2022
IN WP/13143/2019**

**NAVNATH RADHAKISAN VITNOR DIED THROUGH LRS
SMITA NAVNATH VITNOR
VERSUS
AHMEDNAGAR ZILLA PARISHAD AHMEDNAGAR THROUGH ITS
CHIEF EXECUTIVE OFFICER**

**Advocate for Applicant : Mr. P.S. Mantri
h/f. Mr. P.V. Barde
Advocate for Respondent : Mr. M.V. Narwade**

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 31.03.2022

PER COURT :

1. The petitioner – Navnath Radhakisan Vitnor has died on 30.06.2021. The copy of death certificate issued by Municipal Corporation, Ahmednagar, is produced on record.
2. By this application, it is contended that deceased Navnath is survived by the present applicant who is the wife and only legal heir of the deceased. Since the right to sue survives to the applicant, learned counsel seeks to bring on record the legal representatives of deceased Navnath.

3. On the point of delay, it is submitted that due to the Covid – 19 pandemic, application could not be moved within limitation. The reason for delay is satisfactorily explained. Therefore, the delay stands condoned and the abatement is set aside.

4. The application is allowed. The applicant is permitted to amend the petition by incorporating the name of Sunita Navnath Vitnor in the place of the deceased – original petitioner.

5. Amendment to be carried out within a period of two weeks. After amendment, the amended copy be supplied to the respondent. Application stands disposed of.

6. After the amendment, list the Writ Petition No. 13143/2019 for admission on 09.06.2022.

[PRITHVIRAJ K. CHAVAN, J.]