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

**CIVIL APPLICATION NO.252 OF 2017
IN
WRIT PETITION NO.8866 OF 2015**

Maruti Daragu Patil ... Applicant
Versus
Anandrao Bhau Patil & Ors. ... Respondents

Ms. Urmila Pulekar h/f Rahul S. Kulkarni for the Applicant.
Mr. Prashant R. Suryawanshi i/b Gajanan M. Savagare for Respondent
Nos.2 and 3.

CORAM : S. M. MODAK, J.

DATED : 15TH JULY 2022

P.C. :

1. Heard learned Advocate for the Applicant/Original Plaintiff and learned Advocate for Respondent Nos.2 and 3/Original Defendant Nos.2 and 3.

2. In the Writ Petition the original Plaintiff has challenged the order passed by the Court of Additional District Judge thereby rejecting the application for causing obstruction to possession of the Plaintiff over the suit land. By that impugned order the Appellate Court has reversed the order passed by the trial Court. The trial Court order was in favour of the Plaintiff.

3. During pendency of the Petition, Respondent No.1/Defendant No.1 expired on 12th June 2016, a photocopy of death certificate is annexed. The application for bringing the legal representatives on record was not filed in time. There is office objection that there is no prayer for condonation of delay of 66 days. The learned Advocate for the Petitioner seeks oral leave to amend that prayer in the application. The prayer is allowed.

4. Once Respondent No.1 is no more, the question of issuance of notice to him does not arise. The remaining parties i.e. Respondent Nos.2 and 3 are represented by the learned Advocate. I have heard him.

5. Considering the reasons stated in the application, the application deserves to be allowed and the delay needs to be condoned. Hence Civil Application is allowed and the Applicant/Petitioner is permitted to delete the name of Respondent No.1 and add names of his legal representatives. Amendment to be carried out within 14 days thereafter.

6. Notice be issued to the legal representatives of deceased Respondent No.1. The copies be supplied to the office.

7. Civil Application is disposed of.

(S. M. MODAK, J.)