

Jvs.

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

**INTERIM APPLICATION NO. 17081 OF 2022
IN
WRIT PETITION NO. 4398 OF 2021**

**Zabilal Gangabhadur Thapa }
Since deceased through his }
Legal Heirs } Applicants
Vs.
State of Maharashtra & Ors. } Respondents**

Mr. Vijay Kurle with Mr. Samkit Shah and Mr. Chetan Bhoir for the applicants/petitioners.

Ms. R. A. Salunkhe, AGP for respondent no. 1 (State).

Mr. Rajendra B. Khaire i/b. Mr. Ashish S. Gaikwad for respondents 2 and 3.

Mr. Akshay J. Kandarkar i/b. Mr. Rajesh Datar for respondent no. 4.

**CORAM: DIPANKAR DATTA, CJ. &
MADHAV J. JAMDAR, J.**

DATE : OCTOBER 21, 2022

P.C.:

1. We have perused the additional affidavit filed by the applicant pursuant to the order dated 11th October 2022.

2. As had rightly been guessed by us, the applicant is not the sole surviving heir of the deceased petitioner no. 8. He passed away leaving behind him, apart from the applicant, three children of whom two are daughters and one is his son. The daughters are named Binita Khatri @ Binita Zabilal

Thapa and Bishnu Khatri @ Bishnu Zabilal Thapa and the son is named Sabin Khatri @ Sabin Zabilal Thapa.

3. Although the application for substitution is not at the instance of the children of the deceased petitioner no. 8, to avoid future complications, we permit all the surviving heirs of the deceased petitioner no. 8 to be substituted in his place.

4. Office is directed to incorporate appropriate amendment in the cause title of the writ petition by substituting the deceased petitioner no.8 with all his surviving heirs as indicated above.

5. The application stands disposed of. No costs.

SALUNKE
J V

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by SALUNKE J V
Date: 2022.10.21
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(MADHAV J. JAMDAR, J.)

(CHIEF JUSTICE)