

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****I.A. NO. 1167 OF 2021****IN****WRIT PETITION NO.12164 OF 2019**

Smt. Guljar Bano Patel

.....Applicant.

Vs.

Jayraj Devidas

(Decd.) Through LRs & Ors.

.....Respondents.

Mr. Kailas Dewal i/by Mr. Jayesh M. Joshi for the Applicant.

Dr. P.P. Pujari, AGP for the Respondent No.14-State.

Ms. Divya A. Pawar-Patil for the Respondent Nos.1 to 7, 10, 12 and 13.

CORAM : A. S. GADKARI, J.**DATE : 30th MARCH, 2022.****PC.:-**

This is an Application for bringing legal heirs of Respondent No.1 namely Shri. Jayraj Devidas on record.

It is stated that, the Respondent No.1 expired on 15th July, 2020. Mr. Dewal, learned counsel for the Applicant submitted that, Applicant is entitled to get benefit of the Common Orders passed by the Hon'ble Supreme Court of India in Suo Motu Writ Petition (Civil) No(s).3/2020, thereby extending the period of limitation for filing Petitions/Applications/Suits/ Appeals and all other proceedings prescribed under the general law of limitation or under the Special Laws (both Central and/or State).

2 Mr. Dewal, learned counsel for the Applicant, Original Petitioner submitted that, by a letter dated 18th February, 2021, learned Advocate for the Respondent Nos.1 to 7, 10, 12 and 13 informed his Advocate on record about the demise of Respondent No.1 and his legal heirs. That, thereafter immediately on 22nd March, 2021 the present Application is filed. He further submitted that, from the date of receipt of intimation from the learned Advocate for the Respondent Nos.1 to 7, 10, 12 and 13 on 18th February, 2022, within a period of 60 days the present Application has been filed.

3 Learned Advocate for the Respondent Nos.1 to 7, 10, 12 and 13 has no serious objection in condoning the delay and allowing the present Application.

4 In view of the above and for the reasons stated in the Application, delay is condoned, abatement if any is set aside and Application is allowed in terms of prayer clauses (a) to (c).

5 Necessary amendment be carried out in the record of the Court and simultaneously in the copy served upon the learned Advocate for the Respondent Nos.1 to 7, 10, 12 and 13 within a period of two weeks from today.

(A.S. GADKARI, J.)