

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****I.A. NO. 1169 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.11 namely Shri. Bhanubhai Dharmashri on record.

It is stated that, the Respondent No.11 expired on 5th May, 2016. There is a delay of 4 years and 219 days in filing the present Application.

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.11 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.)

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MASHALKAR

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