

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

CIVIL APPLICATION NO. 22 OF 2022

IN

WRIT PETITION NO. 9289 OF 2018

Apurva Co-operative Housing Society & Ors. ... Applicants-Petitioners

vs.

Thane Municipal Corporation & Ors. ... Respondents

Mr. Sachin B. Thorat for Applicants-Petitioners.

Mr. Ameya A. Pitale, i/by. Mr. Ajit Ram Pitale for Respondent No.1.

Ms. M. S. Bane, AGP for Respondent No.2-State.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ**

DATE : 29th JULY, 2022

P.C. :

1. Heard learned Counsel for the applicants/petitioners, respondent no.1 and learned AGP for respondent no.2-State. None present for other private respondents.

2. By way of present application, the applicants firstly pray for condonation of delay caused in filing the application and secondly, pray for bringing legal heirs of deceased petitioner No.8 on record. The reason assigned for condonation of delay is stated in paragraph 3 of the application. A true copy of the Death Certificate issued by the competent authority is placed on record at Exhibit 'A', indicating that the petitioner No.8 in the petition viz. Savitribai Gopal Dutt expired on 31st March, 2018. It is stated in the application that the petitioner No.8 is survived by two legal heirs viz. her sons Shri Kailash Gopal Dutt and Shri Shankar Gopal Dutt. It is further submitted that bringing these legal heirs on record would cause no prejudice to the respondents and it would only assist the petitioners to prosecute the petition on behalf of their mother.

2. Considering the above, application is allowed in terms of prayer clause (a) as well as (c). Necessary amendment be carried out within two weeks from today.

3. Application is disposed of.

(KISHORE C. SANT, J)

(PRASANNA B. VARALE, J)