

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CIVIL APPLICATION NOS. 05 OF 2022 AND 06 OF 2022

IN

WRIT PETITION NO. 1945 OF 2019

Surendra s/o Vinayakrao Deshmukh vs. Rajendra Vinayakrao Deshmukh
and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Akshay Sudame, Advocate for petitioner.

CORAM : MANISH PITALE J.

DATE : 30/03/2022

These applications are moved on behalf of the petitioner seeking permission to bring on record the legal representatives of respondent No.1 who expired during the pendency of the writ petition and also for condonation of delay in moving the said application.

2. In terms of the relevant Rule of the Bombay High Court Appellate Side Rules, 1960, an application moved in these circumstances for bringing on record the legal representatives of the deceased party beyond 90 days is required to be placed before the Court. Strictly speaking in terms of the Rule, it

would not be necessary to file an application for condonation of delay. Be that as it may, the petitioner has moved an application for condonation of delay, giving cogent reasons. Hence, both the applications are allowed.

3. Consequently, the legal representatives of deceased respondent No.1, whose details are given in paragraph 3 of the Civil Application No.06 of 2022, are permitted to be brought on record.

4. Issue notice to the aforesaid legal representatives of the deceased respondent No.1 returnable in **four weeks**. In addition to the regular mode of service, the petitioner is permitted to serve the legal representatives by way of private notice.

JUDGE