

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11913 OF 2017
WITH
INTERIM APPLICATION NO.561 OF 2023
WITH
INTERIM APPLICATION NO.560 OF 2023
WITH
INTERIM APPLICATION NO.562 OF 2023

Dnyanu Gopala Pawar (Since Deceased through
LRS.) and Ors.

...
**Petitioners/
Applicants**

Versus

Vasudeo Ganesh Kulkarni & Ors.

...**Respondents**

Mr Ketan Joshi, *with Vishwajeet Mohite i/b Ergo Juris for the
Petitioners/Applicants.*

Mr Bhushan Walimbe, *with Mr. Sahil Pandire for the Respondent
No.3(i).*

CORAM: Dr. Neela Gokhale, J.

DATED: 13th December 2023

PC:-

INTERIM APPLICATION NO.560 OF 2023
WITH
INTERIM APPLICATION NO.562 OF 2023

1. The applicant seeks permission to bring on record legal heirs of the deceased Respondent No.1-Mr. Vasudeo Ganesh Kulkarni alias Digavdekar and deceased Petitioner No.4(i)(a)-Mr. Mahadev Ganpati Powar. By order dated 10th October 2022, the Petitioners were permitted to take steps to bring on record legal heirs of the Petitioner No.4(i)(a), namely, Mahadeo Ganpati Pawar and Respondent No.1 Vasudeo Ganesh Kulkarni alias Digavdekar. Accordingly, applications are made on 16th December 2022.

2. The applicant/Mr. Vishal Namdeo Powar (Petitioner No.2.(a) (i)(B) is permitted to bring on record legal heirs of the deceased Respondent No.1 and deceased Petitioner No.4(i)(a) within a period of 15 days from the date of uploading the present order. The Applicant is permitted to amend the cause-title of the Petition within 15 days and serve a copy of the amended Petition on the Respondents within a period of one week thereafter.

3. Interim Applications are, accordingly, disposed of.

INTERIM APPLICATION NO.561 OF 2023

4. The Applicant/Vishal Namdeo Powar (Petitioner No.2(a)(i) (B) seeks permission to bring on record legal heirs of the deceased Respondent No.2, namely, Balkrishna Kulkarni. There is delay of 392 days in making the present application. Applicant seeks condonation of delay as well.

5. Mr. Ketan Joshi, learned counsel for the Applicant states that he learnt of the demise of the Respondent No.2 only when the counsel for the Respondents informed him during the Court proceedings. Thus, the delay is not intentional.

6. I have gone through the averments in the application and I am satisfied that the delay is neither deliberate nor intentional. Hence, application is allowed and the applicant is permitted to bring on record legal heirs of the deceased Respondent No.2 and amend the Petition accordingly within 15 days from today. A copy of the amended Petition be served on the Respondents within one week thereafter.

7. Interim Application is, accordingly, disposed of.

(Dr. Neela Gokhale, J)