

Amol

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

**CIVIL APPLICATION NO. 259 OF 2020
IN
WRIT PETITION NO. 2495 OF 2005**

Chandrakant Jethabhai Patel Deceased
Through Lr and Anr. Applicants

V/s.

M/s. Wadala Udyog Bhavan Units Holders
Co-op. Hsg. Soc. Ltd. Mumbai Respondent.

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Mr. Aditya Bendre I/b. Mr. S. S. Kanetkar for Applicant.

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CORAM : RAJESH S PATIL, J.

DATED : 25th January, 2023

P.C.:

1. Civil Application is filed for bringing the proposed legal heirs of deceased Petitioner No.1 (Chandrakant Jethabhai Patel) on record.
2. There is no delay in filing this application. None appeared for Respondent.
3. The Division Bench of this Hon'ble High Court in Keshao Kawadu Maral and another Versus State of Maharashtra, reported in 2005 (supp.) B.C.R. 226, condoned the delay of six years in filing the

application of bringing legal heirs on record, relying on Supreme Court judgment of Sardar Amarjit Singh Kalra (Died) by Lrs and others Versus Pramod Gupta (Smt.) Dead) by Lrs. And others, reported in (2003) 3 SCC 272.

4. Taking into consideration the ratio laid down in the above judgments and for the reasons stated in the application, Civil Application is allowed in terms of prayer clause a) and b). Abatement stands set aside.

5. The Civil Application stands disposed off.

6. Amendment to be carried out within a period of three weeks from today.

(RAJESH S. PATIL, J.)