

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.841 OF 2019
IN
CIVIL APPLICATION NO.1351 OF 2014

Shri. Anant Vasudeo Limaye ... Applicant

V/s.

Sou. Aruna Madhav Desai

Since Deceased Thr. Lrs.

1A. Shri. Abhay Madhavrao Desai and

Ors. ... Respondents

Mr. Onkar Gawade I.b Mr. Jaydeep Deo, Advocate for the
Applicant.

Mr. Rupesh R. Lanjekar, Advocate for the Respondents.

CORAM : RAJESH S. PATIL, J.

DATED : 29 SEPTEMBER, 2023

PC.:

CIVIL APPLICATION NO.841 OF 2019

1. This Application is filed for setting aside the order dated 8 August, 2014 passed in Civil Application No.1351 of 2014 (for Lrs of deceased Respondent No.1).

2. Heard both the parties, and I have gone through the contents of the Civil Application. Mr. Onkar Gawade, Advocate for the Applicant has submitted that the direction given on 8 August, 2014, were not realized by the Applicant. Therefore, he could not

comply with the said direction. It is also stated that the Applicant is 75 years of age therefore, at this advance age, he was not in contact with his advocate on record.

3. Mr. Rupesh Lanjekar, Advocate for Respondents opposed this Application. He has submitted that the Applicant was not at all diligent in filing the present proceedings and due to such non-diligent action, the writ petition is pending in this Court.

4. After hearing the parties and considering the age of the Applicant and the reason mentioned in the Civil Application along with the contents of the Civil Application, according to me, case is made out to allow the Civil Application.

5. Civil Application is allowed in terms of prayer clause (a) and (b).

6. Civil Application is accordingly disposed of.

CIVIL APPLICATION NO.1351 OF 2014

1. This Application is filed to bring on record the legal heirs of deceased-Respondent No.1. Mr. Rupesh Lanjekar, appearing for the proposed legal heirs of deceased-Respondent No.1.

2. Heard both the sides. I have gone through the Civil Application.

4. Civil Application is allowed in terms of prayer clause (a) and (b). Amendment to be carried out within a period of two weeks from today.

5. Civil Application is disposed of.

(RAJESH S. PATIL, J.)