

8IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 356 OF 2020
(FOR RESTORATION)**

IN

WRIT PETITION NO. 5069 OF 2002

Awinash Pandharinath Mhatre
Decd. Thr. LHRs. And anr.

...Applicants/
Petitioners

V/s.

Harischandra Nathu Patil
(Decd.) by Heirs and Ors.

..Respondents

AND

1. Awinash Pandarinath Mhatre
Through his legal heirs
1a) Geeta Awinash Mhatre and
anr.

....(Deceased) Petitioner

....Applicants

WITH

**INTERIM APPLICATION NO. 3604 OF 2022
(FOR AMENDMENT)**

IN

WRIT PETITION NO. 5069 OF 2002

Avinash Pandharinath Mhatre (Deceased)
and Ors. Through his legal heirs
1a) Geeta Avinash Mhatre and anr.
V/s.

...Applicants

1. Harischandra Nathu Patil (Deceased)
& Ors.

....Respondents

**ALONGWITH
WRIT PETITION NO. 5069 OF 2002**

Avinash Pandharinath Mhatre
and anr.

...Petitioners
(Legal Representatives

of

Original Opponent No.2)

V/s.

Harischandra Nathu Patil

Since deceased, by his heirs and Ors.

...Respondent
(No.1 -Original Applicant
Nos.2 to 6 – Original
Opponent Nos.1 and 3 to 5)

Ms. Namrata A. Kadam i/by. Mr. Amar Bhatt, for the Applicants.

Mr. J.M. Joshi, for Respondent Nos.1 (b) and 1 (f).

Mr. Akhilesh V. Adhav i/by. Ms. Anjali Helekar, for Respondent No.2(i) and 3 to 6.

CORAM : SANDEEP V. MARNE, J.

Dated : 5 October 2023.

P.C. :

Interim Application No. 356/2020 :

1. This Application is filed for restoration of the petition dismissed for want of prosecution by order dated 16 December 2019. The application for restoration is filed within time. The

application is opposed by learned counsels appearing for the Respondents.

2. For the reasons stated in the application, the same is allowed. The Writ Petition is restored to file. Interim Application is disposed of.

Interim Application No. 3604 of 2022 :

3. This Interim Application is filed to bring on record legal heirs of Respondent Nos.2(a) and 2(b). For the reasons stated in the application, the same is allowed. The delay in filing the application is condoned. Petitioner is permitted to bring on record, legal heirs of Respondent Nos.2(a) and 2(b). Necessary amendments to be carried out within a period of four weeks from today. Interim Application is disposed of.

Writ Petition No. 5069 of 2022 :

4. Mr. Adhav learned counsel appearing for Respondent Nos.1(a) to 1(f) would submit that Respondent Nos.1(a), 1(d) and 1(e) have expired. He would further submit that the correct name of deceased Respondent No.1(d) should have been 'Mr. H.H. Patil' and not 'Mr. J.H. Patil'. He agrees to provide names of legal heirs of Respondent Nos.1(a), 1(d) and 1(e) to the learned counsel appearing for the Petitioner within a period of one week from today. Petitioner is permitted to bring on record legal heirs of

Respondent Nos.1(a), 1(d) and 1(e). Mr. Adhav would further submit that name of Respondent No.1(c) has been erroneously stated as 'P.H. Patil' and the same ought to be 'Mr. Vijay H. Patil'. Necessary amendment in respect of bringing the legal heirs as well as the correction in the name of Respondent Nos.1(c) and 1(d) be carried out within a period of four weeks from today. Petitioner is also permitted to bring on record legal heirs of Respondent No.1 in pursuance of order passed by this Court on 3 October 2019.

**NEETA
SHAILESH
SAWANT**

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2023.10.10
17:32:37 +0530

SANDEEP V. MARNE, J.