

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1111 OF 2019
IN
WRIT PETITION NO. 5753 OF 2004

Mingel Anton Kudel and others ... Applicants

Versus

Inas Duma Judel since deceased through LRs
and others ... Respondents

Mr. Sunil Karandikar, for the Applicants.

Mr. S.R. Page, for the Respondents.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 13th March, 2023

P.C. :

1. Civil Application has been preferred by the Applicants-Petitioners for bringing on record the legal heirs of the deceased sole-respondent-Inas Duma Kudel and for condonation of 13 years and 9 months caused in filing the present application.

2. Heard.

3. Learned counsel appearing for the applicants-petitioners submits that the petition has been admitted on 1st August, 2006. He would further submit that even though the sole-respondent had expired on 23.05.2005, the said fact was not brought to the notice of

the Court on 01.08.2006, when the petition was admitted by this Court. He would further submit that the Appeal before the Minister was prosecuted by the proposed Respondents as the constituted attorney of the deceased-respondent. He would further submit that no prejudice has been caused as legal heirs of deceased-respondent are already on record in the petition, in the capacity of constituted attorney of the deceased-respondent.

4. Learned counsel for the Respondents opposes the petition and submits that the applicants-petitioners and the respondent are residing in the same house, and as such, applicants-petitioners were aware of the death of the sole-respondent.

5. Considering that the legal heirs of deceased sole-respondent are already on record in the petition, although in their capacity as the constituted attorney, in my opinion, in the interest of justice, the civil application is required to be allowed.

6. Amendment to be carried out within a period of two weeks from today and the amended copy of petition be served upon the proposed Respondents.

7. Civil Application stands disposed of.

(SHARMILA U. DESHMUKH, J.)