

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

INTERIM APPLICATION NO. 14802 OF 2023
WITH
WRIT PETITION NO. 1366 OF 2005

The Chief Officer,
Alibag Municipal Council & Anr. .. Applicants

Versus

~~Hareshwar Krishna Patil~~ (since deceased)
through his legal heirs:-
Sunita Hareshwar Patil & Ors. .. Respondents

IN THE MATTER BETWEEN

The Chief Officer,
Alibag Municipal Council & Anr. .. Org. Petitioners

Versus

Hareshwar Krishna Patil .. Org. Respondent

WITH
INTERIM APPLICATION NO. 14803 OF 2023
WITH
WRIT PETITION NO. 1340 OF 2005

The Chief Officer,
Alibag Municipal Council & Anr. .. Applicants

Versus

~~Darshan Atmaram Mhatre~~ (since deceased)
through his legal heirs:-
Sulbha Darshan Mhatre & Ors. .. Respondents

IN THE MATTER BETWEEN

The Chief Officer,
Alibag Municipal Council & Anr. .. Org. Petitioners

Versus

Darshan Atmaram Mhatre .. Org. Respondent

WITH
WRIT PETITION NO. 3983 OF 2007

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- Mr. Ashutosh Gavnekar a/w Mr. Rohit Parab i/by Mr. C.G. Gavnekar for Applicants / Petitioners

- Mr. Nilesh Desai i/by Mr. Suresh Pakhale for Respondents

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 6, 2023

P.C.:

- 1.** Heard learned Advocates appearing for the parties.
- 2.** Interim Application No. 14802 of 2023 seeks impleadment of legal heirs of deceased sole Respondent in Writ Petition No. 1366 of 2005 whereas Interim Application No. 14803 of 2023 seeks impleadment of legal heirs of the deceased sole Respondent in Writ Petition No. 1340 of 2005.
- 3.** Mr. Gavnekar, learned Advocate for Applicants / Petitioners would submit that both the Petitions are admitted by this Court and due for final hearing and it is only when the said Petitions were listed for final hearing, it was brought to their knowledge that the sole Respondent in both the Petitions had expired in the interregnum.
- 4.** Though there is a substantial delay in filing the present Interim Applications, the delay has been explained in the Applications and there is no reason and cause to disbelieve the fact that it is only when both the Writ Petitions were listed before the Court that the Petitioners became aware of the fact that the sole Respondent in both the Petitions had expired and therefore their legal heirs are required to be impleaded.

5. For the reasons mentioned in the Applications, the delay stands condoned. In view of the fact that both the Writ Petitions have been admitted by this Court and required proper adjudication for which impleadment of the legal heirs of the deceased Respondent in both the Petitions is necessary, both the Interim Applications are allowed in terms of prayer clauses (a), (b) and (c).

6. Amendment in both the Petitions be carried out within two weeks from today. Re-verification stands dispensed with. Copy of the amended cause title / Petitions be served on the opposite side.

7. With the above direction, both the Interim Applications are disposed of.

8. List the Petitions for final hearing on **19th October, 2023**.

Amberkar

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
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