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

**INTERIM APPLICATION NO. 16366 OF 2023
IN
WRIT PETITION NO. 3945 OF 2022**

Shri. Sambhaji Shivaji Patil and Ors. .. Applicants/Petitioners

Versus

The State of Maharashtra thru
its revenue and Rehabilitation Dept
and Ors. .. Respondents

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CHAVAN

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Mr. Sukumar Ghanavat, Advocates for the Applicants.

Mrs. M.S. Bane, AGP Advocates for Respondent Nos. 1 to 4/State.

Mr. Nagesh Chavan, Advocates for Respondent Nos. 5, 6a to 6d, 7 and 8.

**CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.**

DATE : OCTOBER 16, 2023

P. C.

1. Leave granted to the Applicants to amend prayer clause (b) of the above interim application to substitute the word “and” by word “to” appearing between the words “6a and 6e”. In other words it shall

now read as “6a to 6e”. Amendment to be carried out forthwith in the presence of Associate. Reverification is dispensed with.

2. The above interim application is filed seeking to bring on record Respondent Nos. 6a to 6e as the legal heirs of deceased Respondent No.6, who expired on 04.02.2020. There is also a delay of 2 years and 208 days in filing the above Interim Application. Initially, the Applicants/Petitioners had filed an application to bring the legal heirs of Respondent Nos. 6 on record. However, since the same was not properly drafted inasmuch as there were mistakes in the cause title, the Applicants were permitted to withdraw the said Interim Application with liberty to file a fresh Interim Application to bring the legal heirs of Respondent No.6 on record. This is how the present application is filed.

3. Having heard the learned counsel appearing on behalf of the Applicants as well as the learned counsel appearing on behalf of Respondent Nos. 6a to 6d, we are of the opinion that in the interest of justice, the amendment should be allowed.

4. In the circumstances, the above Interim Application is allowed in terms of prayer clauses (a) and (b) which read thus:

“(a) Delay of 2 years and 208 days in filing the present Interim Application be condoned.

(b) This Hon’ble Court be pleased to allow the Respondent No. 6a to 6e to be brought on record as the Legal Heirs of the deceased Respondent No.6-Isa Usman Ghanvilkar and the Cause Title of the Writ Petition be amended accordingly;”

5. The amendment shall be carried out within a period of two weeks from today.

6. We are informed that notices have not been issued in the writ petition. The learned AGP waives notice on behalf of Respondent Nos. 1 to 4. Mr. Chavan, waives notice on behalf of Respondent Nos. 5, 6a to 6d, 7 and 8.

7. In the circumstances, the Registry is directed to issue a notice to Respondent No. 6e, returnable on 30.11.2023. This notice shall be issued after the amendments are carried out as directed by this Order.

8. The Interim Application is accordingly disposed of. No order as to costs.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]