

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 917 OF 2023

IN

WRIT PETITION NO. 5888 OF 1998

Ramchandra Shivram Gadekar
Since deceased through his LR.

...Applicant

IN THE MATTER BETWEEN :

Smt. Sudhatai Bhagwandas Sawant & Ors.

Petitioners

Versus

Ramchandra Shivram Gadekar

...Respondent

WITH

INTERIM APPLICATION (ST) NO. 14146 OF 2023

IN

WRIT PETITION NO. 5888 OF 1998

Smt. Sudhatai Bhagwandas Sawant
(since deceased) & Ors

...Applicants

IN THE MATTER BETWEEN :

Smt. Sudhatai Bhagwandas Sawant & Ors.

Petitioners

Versus

Ramchandra Shivram Gadekar

...Respondent

- Ms. Anu C. Kaladharan h/f Ms. Anjali N. Helekar, for Applicant / Respondent No. 1 in Writ Petition No. 5888 of 1998.
- Mr. R. D. Soni and Mr. T.R. Momaiyah i/by Ram & Co., for Petitioner and Applicant in Interim Application (ST) No. 14146 of 2023.

CORAM : ABHAY AHUJA, J

DATE : 25th JULY, 2023

P. C. :

1. Both these applications, one filed by the heirs of the

deceased sole Respondent and the other filed by the Writ Petitioner are seeking to bring on record the heirs of the deceased sole Respondent.

2. Ms. Anu Kaladharan, learned Counsel for the heirs of the deceased sole Respondent would submit that by an affidavit cum no objection dated 13th July, 2023, the wife i.e. Smt. Vimal Ramchandra Gadekar wife of the deceased Respondent, Smt. Swati Umesh Hendre and Smt. Prachi Madhusudan Devle, the two of the three daughters of the deceased Respondent have by way of an affidavit given their no objections to Smt. Shilpa Shonan Mankar their third sister and also one of the legal heir of the deceased Respondent to be joined as the legal heir in the said writ petition as Respondent in place of the deceased sole Respondent.

3. Mr. Soni, learned Counsel for the Writ Petitioner has no objection if Smt. Shilpa Shonan Mankar is brought on record as the deceased Respondent's legal heir.

4. It is observed that there is a delay of 157 days in preferring this application. Ms. Anu Kaladharan, draws attention of this Court to paragraph no. 3 of Interim Application No. 917 of 2023, in support of her contention to condone the delay.

5. Having heard learned Counsel and having perused the

applications as well as the affidavit cum no objection dated 13th July, 2023, filed on 18th July, 2023, this Court is of the view that sufficient cause has been made out to condone the delay in bringing the legal heir of deceased sole Respondent on record.

6. Let the delay be condoned. Let Smt. Shilpa Shonan Mankar be brought on record as the heir of deceased Respondent No. 1 in Writ Petition No. 588 of 1998.

7. Let the amendment be carried out within a period of two weeks.

8. Interim Application No. 917 of 2023 and Interim Application (Stamp) No. 14146 of 2023, accordingly, stand disposed.

(ABHAY AHUJA, J.)