

Chaitali Ekke

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2631 OF 2019
IN
WRIT PETITION NO. 4017 OF 1996

WITH
INTERIM APPLICATION NO. 2628 OF 2019
IN
WRIT PETITION NO. 4017 OF 1996

Murlidhar Dagdu Dalvi (since deceased)
Thr. Lrs. ...Applicants
In the matter between
Murlidhar Dagdu Dalvi (since deceased)
Thr. Lrs. Kisan Murlidhar Dalvi and Ors. ...Petitioners
V/s.
State of Maharashtra and Ors. ...Respondents

Mr. Y.D. Patil, AGP for Respondent-State
Ms. Gunjan P. Shah for P.B. Shah, Advocate for Respondent In Writ
Petition No. 4017/1996.

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CORAM : RAJESH S PATIL, J.

DATED : 25th JANUARY 2023

P.C.:

INTERIM APPLICATION NO. 2628 OF 2019

1 This Interim Application is filed for restoration of Writ
Petition. By order dated 06.06.2019 the Writ Petition was dismissed for
non appearance of the Petitioner.

2 The office note shows that the Respondents have been served.

3 For the reasons stated in the Interim Application, this Interim Application is allowed in terms of prayer clause (b) and (b). Interim Application is accordingly disposed off.

INTERIM APPLICATION NO. 2631 OF 2019

1 This Interim Application is filed for bringing on record the proposed legal heirs of deceased sole Petitioner. The office record shows that the Respondents have been served.

2 There is a delay of 2 years and 131 days in filing this application. The counsel for respondent opposes the application.

3 The Division Bench of this Hon'ble High Court in Keshao Kawadu Maral and another Versus State of Maharashtra, reported in 2005 (supp.) B.C.R. 226, condoned the delay of six years in filing the application of bringing legal heirs on record, relying on Supreme Court judgment of Sardar Amarjit Singh Kalra (Died) by Lrs and others Versus Pramod Gupta (Smt.) Dead) by Lrs. And others, reported in (2003) 3 SCC 272.

4 Taking into consideration the above judgments and for the reasons stated in the application, Interim Application No. 2631 of 2019 is allowed in terms of prayer clause (b) and (c). Abatement stands set aside.

5 Amendment to be carried out within a period of three weeks from today.

6 The Interim Application stands disposed off.

(RAJESH S. PATIL, J.)