

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.501 OF 2023
WITH
INTERIM APPLICATION NO.719 OF 2023
IN
WRIT PETITION NO.3412 OF 2003

Balkrishna Vishnu Sawant
Since decd. Thr his LRS
1a) Babasaheb Balkrishna Sawant & Ors. **...Applicants**

IN THE MATTER BETWEEN

Balkrishna Vishnu Sawant
Since decd. Thr his LRS
1a) Babasaheb Balkrishna Sawant & Ors. **...Petitioners**
Versus
Shripati Pandu Adake and Ors. **...Respondents**

Mr Shankar Prataprao Thorat, *for the Applicants/Org. Petitioners.*
None for the Respondents.

CORAM: Dr. Neela Gokhale, J.
DATED: 5th January 2024

PC:-

INTERIM APPLICATION NO.501 OF 2023

1. This application seeks to bring the legal heirs of the deceased Petitioner on record. Learned counsel for the Applicants says that the Petitioner died on 27th May 2018 in the corona pandemic. Due to certain exigencies and failure of his earlier counsel in communicating status of the proceedings, there is delay of sixteen months in making the present interim application for bringing legal heirs on record. He also prays for condonation of the delay in making the present interim application.

2. Considering the averments in the application, reasonable grounds are made out to condone the delay of sixteen months. The abatement of the Petition is set aside and the Applicants are permitted to bring on record the legal heirs as mentioned in paragraph 1 of the Interim Application at Sr.Nos.1(a) to 1(d) on record. Leave to amend is granted. Amendment to be carried out within a period of two weeks from today and amended copy of the petition to be filed with advance copy to the Respondents.

3. Interim Application stands disposed.

INTERIM APPLICATION NO.719 OF 2023

4. This interim application seeks impleadment of legal heirs of the deceased Respondent No.3-Shri Kisan Shripati Adake. He expired on 28th October 2008. There is delay of 14 years in making this Application. However, it appears that legal heirs of the Respondent No.3 are already on record and the petition has been amended. Hence, learned counsel for the Applicants seeks

permission to withdraw the Interim Application. Permission granted.

5. Interim Application disposed as withdrawn.

WRIT PETITION NO.3412 OF 2003

6. List the petition on 12th February 2024.

(Dr. Neela Gokhale, J)