

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 16531 OF 2023
WITH
INTERIM APPLICATION NO. 1784 OF 2022
IN
WRIT PETITION NO. 11239 OF 2019**

Akaram Tukaram More deceased through LR. ...Applicants
In the Matter Between :
Akaram Tukaram More deceased through LR. ...Petitioners
Versus
Shri. Vasant Tukaram More deceased through
LRs. & Ors. ...Respondents

**Mr. Tukaram Shendge, i/b Mr. Prataap Patil, for the
Applicants/Petitioners.**

**Mr. Akshay Hardas, i/b Mr. Bhooshan R. Mandlik, for Respondent
Nos. 1 to 5.**

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

PC:-

INTERIM APPLICATION NO. 16531 OF 2023 :

1. The application seeks to bring on record the legal heirs of deceased Respondent No. 2. Respondent No. 2 died on 16th June 2023 at Deowadi, Taluka-Shirala, District-Sangli. There is no delay in making the present application.

2. Application is allowed. Leave to amend the petition is granted to the Petitioners to bring on record the legal heirs of deceased Respondent No. 2 arrayed in the cause title of the application at Serial Nos. 2A to 2D. The Petitioners are directed to amend the writ petition within a period of two weeks from today and serve a copy of the amended petition on all the Respondents within one week thereafter.

3. Issue notice to the newly added Respondents, who are legal heirs of the deceased Respondent No. 2, arrayed in the cause title of the application at Serial Nos. 2A to 2D, returnable within four weeks after carrying out the amendment. Petitioners are directed to furnish necessary spare copies of the amended petition to the Registry of this Court to carry out issuance of notice. They are also directed to serve copies of the amended petition on all the Respondents.

4. In the above terms, interim application stands disposed accordingly.

INTERIM APPLICATION NO. 1784 OF 2022 :

1. The application seeks to bring on record the legal heirs of deceased Respondent No. 1. Respondent No. 1 died on 2nd September 2021 at Deowadi, Taluka-Shirala, District-Sangli. There is delay of 30 days in making the present application.

2. From the averments in the application, there is a justifiable reason to condone the delay, hence the delay is condoned. The abatement order passed by this Court is set aside.

3. Application is allowed. Leave to amend the petition is granted to the Petitioners to bring on record the legal heirs of deceased Respondent No. 1 arrayed in the cause title of the application at Serial Nos. 1A to 1C. The Petitioners are directed to amend the writ petition within a period of two weeks from today and serve a copy of the amended petition on all the Respondents within one week thereafter.

4. Issue notice to the newly added Respondents, who are legal heirs of the deceased Respondent No. 1, arrayed in the cause title of the application at Serial Nos. 1A to 1C, returnable within four weeks after carrying out the amendment. Petitioners are directed to furnish necessary spare copies of the amended petition to the Registry of this Court to carry out issuance of notice. They are also directed to serve copies of the amended petition on all the Respondents.

5. In the above terms, interim application stands disposed accordingly.

(Dr. Neela Gokhale, J.)

GITALAXMI
KRISHNA
KOTAWADEKAR

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