

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 594 OF 2024

IN

WRIT PETITION NO.452 OF 2024

Lalit Ramesh Oswal & Anr.

.. Petitioners

Versus

Barkabai Dashratha Goje & Ors.

.. Respondents

.....

- Mr. Mahendra J. Karnavat for Applicants

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 09, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 09.02.2024. Heard Mr. Karnavat, learned Advocate for Applicants / Petitioners.
3. Present Interim Application seeks impleadment of legal heir of deceased Respondent No. 1 in the Writ Petition.
4. Mr. Karnavat would submit that when notice of Writ Petition was effected through private service on Respondents in December 2023, the notice sent to Respondent No. 1 was returned back with the remark “deceased”. He would submit that it is at this point of time that Petitioners learnt about the demise of Respondent No. 1. So they made inquiry and obtained the death certificate from the Grampanchayat to that effect, copy of which is taken on record and

marked “X” for identification. He would submit that Suit was filed in the year 2016 and is still pending and Petitioners in Writ Petition got knowledge of demise of Respondent No. 1 only in December 2023.

5. I have perused the Application. The name and details of the legal heirs of deceased Respondent No. 1 are stated in paragraph No. 2. In view of the reasons mentioned therein, Interim Application is allowed in terms of prayer clause (a). Delay if any stands condoned. Amendment to be carried out within one week from today. Re-verification stands dispensed with.

6. Copy of the amended Petitions shall be served on Respondents including newly added Respondent.

7. List the Writ Petition for hearing on its appointed date.

8. Interim Application is disposed.

Amberkar

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[MILIND N. JADHAV, J.]