

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 4585 OF 2023
IN
WRIT PETITION NO. 3294 OF 2019**

Smt. Bhagirathibai Sitaram Shende (since
deceased) through LRs. & Ors.

...Applicants

IN THE MATTER BETWEEN

Smt. Sushila Pandurang Gaikar & Ors.

...Petitioners

Versus

Shri. Vijay Vyankatesh Tamhane (Since
Deceased) through LRs.

...Respondents

Mr. Amol Ohal & Ms. Kajal Chavan a/w Mr. Vijaykumar Dighe for
Applicants/Petitioners.
None present for Respondents.

CORAM: DR. NEELA GOKHALE, J.

DATED: 4th January 2024

PC:-

1. The present application seeks to bring on record the legal heirs of deceased Petitioner No. 2. There is also a prayer for condonation of delay of 426 days in filing the present application.

2. Mr. Amol Ohal, learned Counsel for the Applicants says that inadvertently there is no prayer made to set aside/recall the order of abatement passed by this Court after death of both the Petitioners. Leave is granted to amend the application. The Applicants/Petitioners are directed to add the said prayer and carry out the amendment forthwith.

3. Considering the averments made in the application and the fact that the Applicants/Petitioners being senior citizen had suffered from Covid and were thus unable to take steps to make the present application for bringing on record the legal heirs, the delay stands condoned. The Applicants/Petitioners are permitted to bring on record the legal heirs of Petitioner No. 2 as arrayed in the cause title of the application at serial nos. 2(A1) to 2(A3) and 2(B) & 2(C).

4. Leave to amend the petition is granted. The Applicants/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.

5. List the matter on 27th February 2024.

(DR. NEELA GOKHALE, J.)

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