



Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2296 OF 2018
IN
WRIT PETITION NO.2103 OF 1999
WITH
WRIT PETITION NO.2103 OF 1999

Shri Kushappa Tuka Naikh since deceased by his
LRs. Maruti Kushappa Naik & Ors. **...Applicants**

In the Matter Between:

Shri Kushappa Tuka Naikh since deceased by his **...Petitioners**
LRs. Maruti Kushappa Naik & Ors.

Versus

Shri Dattu Ganu Naik & Ors. **...Respondents**

Ms. Rukmini Khairnar, i/b. Pramod N. Joshi, for the Applicants.
Mr. Sanjay C. Prabhu, for the Respondent.

CORAM Dr. Neela Gokhale, J.
DATED: 4th January 2024

PC:-

1. The Applicant seeks permission to bring on record legal heirs of Respondent No.1 since he is deceased on 1st December 2016. Although, there is a prayer seeking condonation of delay in making the application, Ms. Kharinar, learned counsel appearing for the Applicant states that in fact, there is no delay since she learnt about

the death of Respondent No.1 only by letter dated 29th April 2017 received by her on 2nd May 2017. Thus, the application is within the period of limitation. Mr. Prabhu, learned Counsel for the Respondents agrees with the Petitioner and has no objection to bring the legal heirs on record.

2. In this view of the matter, Civil Application No.2296 of 2018 is allowed.

3. The legal heirs of Respondent No.1 as arrayed in the cause title of application at serial Nos. 1(a) to 1(d) be brought on record. Leave to amend is granted. Amendment is to be carried out within two weeks from today. An amended copy of the petition be filed with advance copy to the Respondents, within one week thereafter.

4. List the matter for further direction on 5th February 2024.

(Dr. Neela Gokhale, J)