



Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2567 OF 2018
IN
WRIT PETITION NO.3916 OF 2007
WITH
WRIT PETITION NO.3916 OF 2007
WITH
CIVIL APPLICATION NO.33 OF 2023
AND
CIVIL APPLICATION NO.1327 OF 2014
IN
WRIT PETITION NO.3921 OF 2007
WITH
WRIT PETITION NO.3921 OF 2007

M/s. Manohar and Company	...Applicant
<i>In the Matter Between:</i>	
M/s. Manohar and Company	...Petitioner
<i>Versus</i>	
Jayaben Jamnadas Devada & Anr.	...Respondents

Mr. Rajiv Narula, with Mr. Darang Jagtiani, i/b. Jhangiani Narula
& Associates, for Applicant/Petitioner.
None for the Respondent.

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

PC:-

1. These are interim applications seeking permission to bring on record legal heirs of the deceased Respondent No.1. There is also a prayer for condonation of delay of 1659 days for taking out the present application. Mr. Narula, learned counsel for the Applicant states that earlier there was an Application No.1326 of 2014 seeking to bring on record one Mr. Sudhir Jamnadas Davada as a legal heir of deceased Respondent No.1-Mrs. Jayaben Jamnadas Davada. When the said application taken up for hearing, learned counsel for Respondent No.1 brought to the notice of this Court that there were other four legal heirs of deceased Respondent No.1 and the counsel also provided the names and addresses of those legal heirs to the counsel for the Applicant. By an order dated 18th July 2014, the Interim Application No.1326 of 2014 was, thus, allowed to be withdrawn with liberty to file fresh application for bringing on record the legal heirs of the deceased Respondent No.1.

2. It is the say of the Applicant that on a mistaken belief that bringing on record the legal heirs in the proceedings before the trial Court was sufficient, no application was made before this Court to bring the legal heirs on record. It is for this reason that there was a delay in making the present applications.

3. Considering the averments in the applications, there are sufficient grounds to condone the delay in making the present applications for bringing on record the legal heirs. Delay is, thus, condoned.

4. The applications to bring on record the legal heirs are allowed. Leave to amend the writ petitions is granted. Amendment is to be carried out within one week from today. Amended copy of writ petitions be filed immediately thereafter.
5. Issue notice to all the legal heirs as mentioned in the array of parties in the cause title of the applications returnable after four weeks.
6. The Petitioner is given liberty to serve all the legal heirs by private notice through all permissible means of communication and to file affidavit of service on or before the next date.
7. List the Petitions on 15th February 2024.

(Dr. Neela Gokhale, J)