

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

**INTERIM APPLICATION NO. 19775 OF 2022
WITH
INTERIM APPLICATION NO. 13742 OF 2024
IN
WRIT PETITION NO. 1542 OF 2013**

Smt. Anjana Ranjit Salve(since deceased)
Mrs. Chandani Deepak Pawar & Ors. ... Applicants.

Versus

Shri Ranjit Sadhu Salve & Ors. ... Respondents.

Mr. Sunita Sonawane, for Respondent No. 1.

Mr. Rahul Salve, Applicant No. 2 in person present.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 6th DECEMBER, 2024

P.C. :

1. The Applicants in these two Petitions have made a statement that they are the biological children of the deceased sole Petitioner. Applicant No. 1 is a widowed daughter who has two minor daughters. Applicant Nos. 2 and 3 are biological brothers of Applicant No. 1.

2. The original Petitioner has passed away due to Covid on 30th July, 2020 when she was undergoing treatment in the Sion Hospital, Mumbai. After these siblings overcame their grief, the Applications have been filed. The first Interim Application is for bringing the Applicants on record in place of the Petitioner and for condonation of delay. The second Application is also filed for the same purpose.

3. The learned Advocate for the Applicants is not present today. The Applicant No. 2 Rahul Salve, is personally before us. We have perused the applications and we have heard the learned Advocate appearing on behalf of Respondent No. 1.

4. The contention is that the cause of action has extinguished and therefore, the Petition should be abated. It is informed that the deceased was declared to be a legally wedded wife of Respondent No. 1 by the Judgment of the Family Court at Bandra dated 14th January, 2009 in Petition No. B-60 of 2007. It is also informed that the marriage between the deceased and Respondent No. 1 subsisted until her demise. She had claimed a right in the properties and retirement benefits of the husband.

5. Considering the above, since we are of the view that these applicants ought to be granted the liberty to contest the Petition for the reasons and grounds raised therein, it would be necessary to bring the biological children on record.

6. Hence, **Interim Application No. 19775 of 2022 is allowed.** The delay caused is condoned. The **Interim Application No. 13742 of 2024** would not survive and **stands disposed off.**

7. The learned Advocate for the deceased Petitioner shall bring these Applicants on record in the Writ Petition within four weeks from today.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

ARUNA
SANDEEP
TALWALKAR

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