

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.16066 OF 2024
IN
WRIT PETITION NO.1273 OF 2000

Piraji Bhiva @ Bhiku Pawar

Since deceased by his legal heirs Nilesh Piraji
Pawar and Ors.

.. Applicants

IN THE MATTER BETWEEN:

Kondai Parsu Pawar

Since deceased by her heirs and legal
representatives Piraji Bhiva @ Bhiku Pawar and
Ors.

.. Petitioners

Versus

Bhiku Annu Shivthare and Anr.

.. Respondents

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- Ms. Tahira Siddique a/w. Ms. Shweta Rathod, Advocates i/by Elixir Legal Services for Applicants.
 - Ms. Shraddha Pawar, Advocate i/by Mr. Dilip Bodake for Respondent No.1.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 18, 2025

P.C.:

1. Heard Ms. Siddique, learned Advocate for Applicants and Ms. Pawar, learned Advocate for Respondent No.1.

2. Interim Application No.16066 of 2024 is filed by Applicants for bringing on record legal heirs of Petitioner Nos.1, 3, 4 and 5 who have expired in the interregnum.

3. That apart, heirs of Respondent No.1 who has also expired in the interregnum are required to be brought on record.

4. Ms. Siddique would persuade the Court to consider that previously Interim Application No.13155 of 2023, Civil Application No.1256 of 2016 and Civil Application No.1258 of 2016 were filed which are on record for bringing legal heirs of deceased Petitioner Nos.1, 3, 5 and Respondent No.1 on record which remained pending on the record and file of the Court. She would submit that in view of Petitioner Nos.1, 3, 4 and 5 and Respondent No.1 having expired in the interregnum, Petitioners have now taken out a comprehensive Interim Application No.16066 of 2024 for bringing their legal heirs on record. The death certifications of all concerned parties are appended to the Interim Application. Reasons for delay, as also reference to the previous Civil Applications and Interim Application are given in the present Application.

5. On going through the Interim Application and considering the fact that Writ Petition was admitted in the year 2000, amendment is required to be allowed. Though there is some delay in filing the Interim Application, that delay also deserves to be condoned. Abatement, if any is set aside by the Court.

6. In view of above, the Interim Application No.16066 of 2024 stands allowed in terms of prayer clauses (a), (b) and (c) which read thus:-

“a) That this Hon’ble court be pleased to condone the delay of 166 days on bringing the legal heirs of original Petitioner No.1, 3, 4,

5 and respondent no.1 on record.

- b) That leave be granted to the Applicants to amend the writ petition and all other ancillary proceedings in the said writ petition by deleting the name of the Petitioner No.1, 3, 4 and 5 and Respondent no.1 from the title of the writ petition and proceedings and substituting the same by the name of the Applicants and proposed Respondents as per **Schedule "G"** annexed hereto;*
- c) That all consequential amendments be allowed to be made in the writ petition and proceedings as per the **Schedule "G"** annexed hereto;”*

7. Necessary amendment is permitted to be carried out within a period of two weeks from today. Re-verification stands dispensed with. Copy of amended Writ Petition be served on other side.

8. List the Writ Petition for final hearing on **09th July, 2025**.

9. Interim Application No.16066 of 2024 is allowed.

10. In view of disposal of Interim Application No.16066 of 2024, Interim Application No.13155 of 2023, Civil Application No.1256 of 2016 and Civil Application No.1258 of 2016 do not survive and are disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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