



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

58 INTERIM APPLICATION NO. 989/2024
IN
WRIT PETITION NO. 8702/2007

WITH
INTERIM APPLICATION NO.12082/2025
WITH
INTERIM APPLICATION NO.12083/2025
IN
INTERIM APPLICATION NO. 989/2024

KALIKA MANDHAR CHAUDHARI
AND ORS

..APPLICANTS

VS

GANESH PARSHARAM CHAUDHARI

..RESPONDENT

Adv. R. C. Mishra for petitioners.

Adv. Vinod P. Sangvikar for respondent no.1.

CORAM : RAJESH S. PATIL, J.

DATE : 9 APRIL 2026.

P.C. :

INTERIM APPLICATION NO.12082/2025 WITH INTERIM
APPLICATION NO.12083/2025 IN INTERIM APPLICATION NO.
989/2024

1) These applications have been filed by the applicant seeking to bring on record the legal heirs, of the sole petitioner and the sole respondent.

2) There is a delay in filing the present applications. The grounds mentioned for the delay is that, the earlier advocate was informed

about the death of the petitioner, however, the then advocate advised that the legal heirs of the petitioner are already on record and if any change is required that can be done at the time of the hearing of the matter.

2.1) In the year 2008, even sole respondent had died. The then advocate had preferred an application being Civil Application Stamp No.19627 of 2008 to bring on record L.R.'s. However, the earlier advocate due to oversight mentioned in the civil application the writ petition number as 870 of 2007, instead of Writ Petition No.8702/2007. Hence, due to addition of numerical '2' to the writ petition number, the civil application for bringing the legal heirs on record of the respondent was rejected and hence, even the writ petition was shown as disposed of.

3) I have heard learned counsel for both sides and I have gone through the contents of the applications.

4) The Division Bench of this Court in *Keshao s/o. Kawadu Maral and another Versus State of Maharashtra and others*, reported in *2005 (1) MahLJ 1059*, condoned the delay of six years in filing the Application of bringing the legal heirs on record, relying on the Supreme Court judgment of *Sardar Amarjit Singh Karla (dead) by*

LRS. and others Versus Pramod Gupta (Smt.) (dead) by LRS. and others, reported in 2003 (3) SCC 272.

5) Taking into consideration the law laid down in the above judgment and for the reasons stated in the applications, these Interim Applications deserve to be allowed.

6) Interim Application No.12083/2025 stands **allowed** in terms of prayer clauses **(a) and (b)**.

7) Interim Application No.12082/2025 stands **allowed** in terms of prayer clauses **(a) and (d)**.

8) Amendment to be carried out within a period of two weeks from today.

(Rajesh S. Patil, J.)