

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5080 OF 2019
WITH
INTERIM APPLICATION NO.400 OF 2021

VISHAL
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Kalpana Dilip Chudiwal

...Petitioner

VS.

Hajrabi Md. Shaikh Shabbir Shaikh and Ors.

...Respondents

Mr. Abhijeet Joshi a/w. Ms. Varsha Sawant, for the Petitioner.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 20, 2025

P.C:

1. Heard the learned counsel for the petitioner/applicant.
2. This Interim Application is preferred to bring the legal representatives of respondent No.1 who passed away during the pendency of the petition.
3. The application is supported by the copy of the death certificate and affidavit. The office report indicates that the proposed respondents 1A and 1C, the legal representatives of respondent No. 1, have been served.
4. Mr. Joshi, the learned counsel for the applicant submits that an attempt was made to serve Respondent No.1B privately. However, respondent No. 1B refused to accept the service. The learned counsel seeks time to place the affidavit of service on record. Let the affidavit of service be filed within a period of one

week.

5. Since respondent No. 1B is stated to have refused to accept the service of notice, the application is declared to have been duly served on respondent No. 1B also.

6. Perused the averments in the application.

7. For the reasons assigned in the application and to advance the cause of substantive justice, the application stands allowed.

8. The delay in bringing the legal representatives of deceased respondent No. 1 stands condoned.

9. The applicant is at liberty to bring the proposed respondent Nos. 1A to 1C, as the legal representative of respondent No. 1, on record. Necessary amendment be carried out within a period of two weeks.

10. Issue notice to respondent No. 1A to 1C.

11. In addition to notice through Court, the applicant is at liberty to serve the respondents No. 1A to 1C by private service and file affidavit of service.

12. Ad-interim relief granted earlier shall continue to operate till the next date.

13. Stand over to 17th April, 2025.

(N. J. JAMADAR, J.)