

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9217 OF 2024
(For Bringing Legal Heirs of the Respondent No.1/2 on record)
IN
WRIT PETITION NO. 15688 OF 2023

Bhivsen Laxman Patil (Deceased) And Anr. ...Applicants

IN THE MATTER BETWEEN :

Bhivsen Laxman Patil & Anr. ...Petitioners

Versus

Maruti Dagadu Patil

Since Deceased through legal heirs 1/1 to 1/8 & Ors. ...Respondents

*Mr. Mayank Tripathi i/b Mr. Bhushan Walimbe for the
Applicants/Petitioners*

CORAM : SHARMILA U. DESHMUKH, J.

DATE : MARCH 16, 2026

P. C. :

1. Learned counsel appearing for the Applicants submits that the proposed Respondents are duly served and the affidavit of service has been duly filed.
2. None appears on behalf of the proposed Respondents. The Applicants seek to bring on record the legal heirs of Respondent No.1/2 and for condonation of delay in filing the Interim Application and for setting aside the abatement.

3. Learned counsel for the Applicants submits that the Applicants were unaware of the death of Respondent No.1/2. He would submit that only when the notices were issued by this Court and the Applicants were directed to serve the Respondents through private service, did they become aware of the death of Respondent No.1/2. He would submit that the Respondent expired during the lock-down and, in any event, it was not possible for the Applicants to approach the advocate and give instructions.
4. For the reasons stated in the application, the delay is condoned and the order of abatement is set-aside.
5. Interim Application is allowed. Amendment be carried out within a period of three weeks. Re-verification is dispensed with.

[SHARMILA U. DESHMUKH, J.]