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ITEM NO.55

COURT NO.14

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20784-20785/2010
(From the judgement and order dated 25/11/2008 in SA No.74/2009,
dated 25/08/2009 in RP No.5/2009 in SA No.74/2009 of The HIGH COURT
OF BOMBAY)

HANMANTA TIMMA PUJARI (D)THR.LRS.& ORS.

Petitioner(s)

VERSUS

N.B.KAVADE (D) TH. LRS & ORS.
(WITH OFFICE REPORT)

Respondent(s)

Date: 02/12/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
(IN CHAMBERS)

For Petitioner(s) Mr. Pravin Satale, Adv.
Mr. Rajiv Shankar Dvivedi, Adv.

For Respondent(s) Mr. Vinay Navare, Adv.
Mr. Satyajeet Kumar, Adv.
Ms. Abha R. Sharma, Adv.

Mr. V.N. Raghupathy ,Adv

Mr. Vishwajit Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

The application filed by the petitioners to bring on record the legal representatives of deceased Petitioner No. 24 and Respondent No. 12 was allowed on 16th September, 2013 subject to payment of costs of Rs.500/- on each count to be deposited with the Supreme Court Legal Services Committee. Learned counsel for the petitioners says that the costs have not been deposited so far and prays for grant of two weeks time to deposit the same. Accordingly, two weeks further time is granted to deposit the costs. The amount be utilized to juvenile justice.

The petitioners had earlier moved an application to the effect that petitioner No. 15 had expired, but the said application was defective for several reasons pointed out by the Registry. It is now submitted by learned counsel for the petitioners that it is not petitioner No. 15 who had expired but it is petitioner No. 33 who has expired. It is also said that along with the application, vakalatnama duly signed by the L.Rs. of deceased petitioner No. 33 has been filed.

Learned counsel for the petitioners further states that earlier the name of petitioner No. 33 was shown as 'Wadar' which is actually not name but title of caste and the correct name of petitioner No. 33 is 'Kattimani'. In support of this statement, reliance is placed on affidavit dated 16th January, 1989 and a photo pass issued by the Pune Municipal Corporation.

Learned counsel for the contesting respondents has no objection if the aforementioned application is allowed subject to any objections that he may choose to raise at the time of execution of decree.

Accordingly, the application for bringing L.Rs. of deceased petitioner No. 33 and the application for condonation of delay in bringing the L.Rs. of deceased petitioner No. 33 are allowed subject to any objections that the contesting respondents may have at the time of execution of the decree.

(G. SUDHAKARA RAO)
COURT MASTER

(INDU POKHRIYAL)
COURT MASTER