

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 631 OF 2013
IN
SECOND APPEAL (St.) NO. 15547 OF 2011

Dattaram Rajaram Palav

.. Applicant

v/s.

Rajaram Narayan Palav & Ors.

..Respondents

Mr. A.D. Parab for the applicant

Mr. R.B. Parab for the respondent no.1

**CORAM : R.Y. GANOO, J.
DATED : 5th SEPTEMBER, 2013.**

P.C.

1. The sole appellant has expired. His heirs are sought to be brought on record on the basis of the application filed by the heirs. There is a delay of 154 days. The quantum of delay is wrongly mentioned in the application.

2. Heard learned advocates on both sides. Learned advocate Mr. Parab appearing on behalf of the contesting respondent no.1 opposes the application by submitting that the explanation offered in

paragraph 3 is not properly explained. It appears that learned advocate for the applicant had some misunderstanding about the drafting of the said application for bringing applicant on record. As a result of that the present application is required to be filed. In my view, the delay can be condoned for the reasons mentioned in the application. Accordingly, civil application is granted in terms of prayer clauses (a) and (b).

3. Amendment be carried out in Civil Application No.1142 of 2011 and 1143 of 2011 as also in the Second Appeal (St.) No.15547 of 2011 within two weeks from today. Copy of the amended second appeal be served upon the learned advocate Mr. Parab within one week from carrying out the amendment. There shall be no order as to costs.

(R.Y. GANOO, J.)