

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.821 OF 2014
IN
SECOND APPEAL NO.129 OF 2005

Balaji Pandurang Shembekar since deceased through
LRs and others ... Applicants

Vs.

Keshav Dattatray Shembekar since deceased through
LRs and others ... Respondents

Mr. Ramdas A. Shelke for Applicants.

Mr. Pradip R. Kadam for Respondents No.1A to 1D and 5.

CORAM : R. G. KETKAR, J.
DATE : 20TH MARCH, 2015

P.C. :

Heard Mr. Shelke, learned Counsel for applicants and Mr. Kadam, learned Counsel for respondents No.1A to 1D and 5.

2. This is an application for bringing legal representatives of respondent No.2 since deceased on record after condoning the delay of 7 years and 95 days. Respondent No.2 died on 06.04.2006 leaving behind respondents No.2A to 2C as his legal representatives. Office remark shows that respondents No.2/A to 2/C are duly served. However, no appearance is entered. Nor reply is filed opposing the application on their behalf. Rule was issued on 11.11.2014.

3. Mr. Shelke submitted that for the reasons stated in paragraph 3 of the application, delay deserves to be condoned. Mr. Kadam opposes this application on the ground that no sufficient cause is made out.

4. Having regard to the fact that by order dated 28.04.2005, after

considering the submissions advanced on behalf of the appellants, notice for final disposal of the appeal at the stage of admission was issued and that during the pendency of the Appeal, respondent No.2 was expired, I am satisfied that the applicant has made out sufficient cause for condoning the delay as set out in paragraph 3 of the application. Hence, Rule is made absolute in terms of prayer clauses (i) and (ii) with no order as to costs. Amendment in the main Appeal shall be carried out within 14 days from today.

(R. G. KETKAR, J.)

Minal Parab