

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 379 OF 2015
IN
CIVIL REVISION APPLICATION NO. 913 OF 2013

Satyabhan R. Singh

.. Applicant.

In the matter between

Satyabhan R. Singh

..Petitioner

vs.

Shashikant D. Shah and ors.

.. Respondents

And

Anil Deepak Kaka alias Shah and anr.

.. Respondents

(Prop.Respondent No.2(a) and 2(b))

Mr. R.R. Sharma for the Applicant/Petitioner.

Mr. B.R. Dalal for Respondent No.1.

CORAM : M. S. SONAK, J.

DATE : 26 OCTOBER 2015.

P.C. :-

1] The learned counsel for the Applicant states that the proposed legal heirs of deceased Respondent No.2 have already been served.

2] The learned counsel for Respondent No.1 opposes the condonation of delay and submits that if delay is condoned, the same should be condoned after imposition of costs.

3] There is no question of award of costs in favour of Respondent No.1. The legal heirs and representatives of deceased Respondent No.2 despite service have neither attended this Court nor they have

filed any reply to oppose the condonation of delay. The Civil Application sets out, in the circumstance, in which the delay was occasioned. The same constitutes sufficient cause. Accordingly, Civil Application is allowed in terms of prayer clauses (a),(b) and (a). Necessary amendment to be carried out within a a period of two weeks from today. Once the amendment is carried out, issue fresh notice to the legal representatives of deceased Respondent No.2. The Applicant to ensure that the service is completed before the next date.

4] Place Civil Revision Application No. 913 of 2013 for admission on 24 November 2015, on the supplementary board.

5] Civil Application is disposed of.

(M. S. SONAK, J.)

dinesh