

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2005 OF 2014
IN
WRIT PETITION NO.4727 OF 2000

Shri Chandrakant Dharmaji Taware and Ors.] ... Applicants/
 (Orig. Petitioners)

Versus

Shri Kisan Bhikoba Devre (Since Deceased)]
 Through his LRs and representatives.] ... Respondents

Mr. Sachin Dhakephalkar for Applicants.

CORAM :- M. S. SONAK, J.

DATE :- JUNE 15, 2015

P. C. :-

1. By this Civil Application, the Applicants seek condonation of delay, setting aside the abatement and leave to bring on record the legal representative/s of deceased Respondent No.1.

2. The delay in the present case is substantial. However, the Applicants have averred that they were not aware of the demands of the Respondent No.1 and that this application has been taken out soon after obtaining knowledge.

3. In the reply filed by the Respondent Nos.1A to 1E, apart from denial, main objection appears to be that the Civil Application, according to the Respondent, was filed two years after the date the same was affirmed. This position, does not appear to be correct. The application was filed soon after the same was affirmed, however, on account of certain objections, the same came to be numbered in the year 2014. As such, there is no delay of two years from the date of affirmation of the Civil Application, as contended by the Respondent.

4. Accordingly, the Civil Application is made absolute in terms of prayer clauses (a), (b), (c) and (d), subject to the Applicants paying costs of Rs.10,000/- (Rupees Ten Thousand Only) to the Respondent. Such costs to be deposited in this Court within a period of four weeks from today and upon deposit, the Respondent Nos.1A to 1E are permitted to withdraw the same unconditionally.

5. Necessary amendment to be carried out within a period of four weeks from today.

6. Civil Application is disposed of in the above terms.

(M. S. SONAK, J.)