

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL REVISION APPLICATION NO.7 OF 2015

(Smt. Sarswatabai wd/o Pandurang Lahor and others
vs.
Padmanabh Govind Dharmadhikari)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

CORAM : Z.A. HAQ, J.

DATE : 3rd FEBRUARY, 2016.

Heard Shri V.B. Bhishe, learned Advocate for the applicants-original defendants and Shri S.V. Sohoni, learned Advocate for the non-applicant-plaintiff.

The applicants have challenged the order passed by the learned trial Judge allowing the application [Exh.79] filed by the non-applicant seeking permission to get impleaded as legal heirs of the original plaintiff. The application was filed by the non-applicant after three years of death of Gangubai, the original plaintiff. The non-applicant explained the delay and one of the reason given is that the suit was stayed because of the pendency of the matter before the Maharashtra Revenue Tribunal, Nagpur. The learned trial Judge has considered the explanation given by the non-applicant and after being satisfied, has condoned the delay and has permitted the non-applicant to get impleaded as the plaintiff. The applicants-defendants have

not been able to point out any patent irregularity or illegality in the impugned order. The learned trial Judge has properly exercised the jurisdiction vested in him. I see no reason to interfere with the impugned order.

The applicants have also challenged the order passed by the trial Court allowing the application [Exh.96] filed by the non-applicant praying for permission to bring on record the legal representatives of defendant No.2. This application is filed after a period of about six months and, therefore, the non-applicant filed an application praying for condonation of delay. The learned trial Judge has condoned the delay and has permitted the non-applicant to bring on record the legal representative of defendant No.2, for the same reasons as recorded while deciding the application [Exh.79]. This order also appears to be proper and does not suffer from any patent illegality and irregularity. I see no reason to interfere with the impugned order. The revision application is dismissed. In the circumstances, the parties to bear their own costs.

The applicants challenged two orders in this revision application. Office to verify as to whether the applicants are required to pay additional court fees, and if it is required to be paid, the applicants shall pay the additional Court fees within fifteen days and file an affidavit before the trial Court in the matter. If the affidavit is not filed before the trial Court within

one month, the trial Court shall pass appropriate orders considering it to be non-compliance of the order passed by this Court by the non-applicant.

JUDGE

**sandesh*