

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13890 OF 2016

Shri. Tatyaba A. Bhosale and ors.

.. Petitioners

vs.

Late Sushila T. Bhosale

(through Legal Heirs) and ors.

.. Respondents

Mr. Vishal Patil for the Petitioner.

Mr. V.R. Kasle i/b Mr. Sachin V. Khandagale for Respondent No.1.

CORAM : M. S. SONAK, J.

DATE : 08 DECEMBER 2017

P.C. :-

1] Heard learned counsel for the parties.

2] Learned counsel for respondent No.1 points out that the impugned order in this case was made on 3rd September 2012 and the petition to question the same was instituted only on 31st December 2015. He points out that the impugned order merely condones the delay and permits the legal representatives to be brought on record.

3] From the perusal of the memo of petition, there is no explanation for the delay. The impugned order was made on 3rd September 2012 and the petition has been filed after three years,

i.e., 31st December 2015. At paragraph 8 of the petition, the petitioners have stated that they have approached this Court as expeditiously as possible and there is no delay or laches in filing this petition.

4] However, if the main petition is ultimately decided against the petitioners and if the petitioners choose to file an appeal to question such decision, liberty is granted to the petitioners to challenge the impugned order in that substantive appeal.

5] The petition is disposed of in the aforesaid terms.

(M. S. SONAK, J.)