

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.113 OF 2017
IN
CIVIL REVISION APPLICATION NO. 504 OF 2012**

Shri Rajesh Govind Pawar & Ors	..Applicants
In the matter between	
Smt. Radhabai Govind Pawar & Anr.	..Petitioners
Vs.	
The Saifi High School Society & Ors	..Respondents

Ms Purnima G. Bhatia for the Applicants
Ms Jayashree Thakkar for the Respondents

CORAM : R. M. SAVANT, J.
DATE : 30th MARCH, 2017

P.C.

1 The above Civil Application has been filed for bringing the heirs of the Civil Revision Applicant No.1 on record. The above Civil Revision Application has been filed by the two Civil Revision Applicants i.e. one Radhabai Govind Pawar and one Saat Rasta Opticians. This was done in view of the fact that the Suit filed by the Respondents was against the said two Civil Revision Applicants. The Applicants also seeks condonation of delay in filing the above Civil Application. The reasons therefor are mentioned in paragraph 10 of the above Civil Application. The sum and substance of the reasons was that there were two deaths in the family of the Applicant No.1 i.e. one on 8-11-2015 and the other on 15-10-2016 which has resulted in the said delay of one year and 11 days occurring in filing the above Civil Application. On behalf of the Respondents an affidavit in reply has been filed by one Shaikh Juzarbhai S. A. Vajihee. The justification given in the above Civil Application for the said

delay has been questioned. It is the case of the Respondents that since the heirs of the Applicant No.1 have not been brought on record within reasonable time, the Respondents are entitled to the interim stay which is operating in the above Civil Revision Application, being effected.

2 It is required to be noted that the above Civil Revision Application has been admitted and interim stay granted pending hearing and final disposal of the above Civil Revision Application. No doubt there is a delay of one year and 11 days in filing the above Civil Application, but the reason mentioned in the above Civil Application and especially in paragraph 10 thereof can be said to be the plausible reason for the said delay in filing the above Civil Application occurring. In any event, the Civil Revision Application cannot be allowed to be abated merely because there is a delay of one year and 11 days in filing the above Civil Application. For the inconvenience if any that is caused to the Respondents, the Applicants can be put to terms. The Civil Application is accordingly allowed, resultantly the Applicants are allowed to be brought on record in place of the Civil Revision Applicant No.1 Radhabai Pawar and the abatement is set aside. In the facts and circumstances of the case, the Applicants to pay costs of Rs.3000/- to the Respondent No.1 within two weeks from date. Amendment in terms of the instant order to be carried out within two weeks from date. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]