

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.346 OF 2016
IN
CIVIL REVISION APPLICATION NO.547 OF 2012**

Kishor P Parikh : Applicant/Org. Applicant.
versus
Shri V R Choudhari : Respondent/Org. Respondent.

And

Smt. Usha Vasant Choudhari and ors. : Proposed Respondents.

Mr. D S Mhaispurkar for the Applicant.
Mr. K K Malpathak for the Respondents.

CORAM : R. M. SAVANT, J.
DATE : 10th APRIL 2017

P.C.

1 The above Civil Application has been filed for bringing the heirs of the Respondent/landlord on record and for condonation of delay of 677 days in filing the Civil Application.

2 The reasons for the delay are mentioned in paragraphs 3, 4 and 7 of the Civil Application. The sum and substance of the reasons is that the Applicant was not aware of the heirs of the Respondent/landlord and it is only after getting the information from the learned Advocate for the Respondent/landlord that the instant Civil Application could be filed which has resulted in the delay of 677 days.

3 The above Civil Application has been opposed to on behalf of the heirs by filing affidavit in reply and the reasons mentioned in the above Civil Application are sought to be questioned.

4 I have heard the learned counsel for the parties. It is required to be noted that the above Civil Revision Application has been admitted and is pending hearing and final disposal. The reasons mentioned in the Civil Application and especially in paragraphs 3, 4 and 7 thereof can be said to be the plausible reasons for the delay of 677 days occurring in filing the Civil Application. In my view, it would be just and proper to allow the above Civil Application so as to bring the heirs of the Respondent/landlord on record. The above Civil Application is accordingly allowed in terms of prayer clauses (a), (b) and (c). Resultantly the heirs of the Respondent/landlord are allowed to be brought on record. Amendment to be carried out within two weeks from date. The Applicant to deposit the costs of Rs.1000/- with the Maharashtra Legal Aid Fund within two weeks from date. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]