

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2272 OF 2016
IN
WRIT PETITION NO. 4643 OF 2001**

Pandurang Dhondi Londhe & Ors

..Applicants

Vs.

Smt. Sushilabai Dadaso Kadam & Ors

..Respondents

Mr. P. D. Dalvi for the Applicants

Mr. A. M. Kulkarni for the Respondent No.1

Mrs. V. S. Nimbalkar AGP for the Respondent Nos.2 to 6

CORAM : R. M. SAVANT, J.

DATE : 6th JANUARY, 2017

P.C.

1 The above Civil Application has been filed for bringing the heirs of the Petitioner No.4 on record and for condonation of delay of about 12 years and 7 months in filing the above Civil Application. The reasons for the delay are mentioned in paragraphs 3 and 4 of the above Civil Application. The Learned Counsel Mr. Kulkarni appearing for the Respondent No.1 opposes the above Civil Application on the ground of delay but ultimately leaves it to this court. The Petitioners claim to be the tenants of the land in question under the Bombay Tenancy and Agricultural Land Act 1948. Apart from the Petitioner No.1 there are other Petitioners who are prosecuting the above Petition. The reasons mentioned in paragraphs 3 and 4 can be said to be the plausible reasons for the delay of about 12 years and 7 months occurring in filing the above Civil Application for condonation of delay. In my view, since the Petition

is pending hearing and final disposal, it would just and proper to allow the Civil Application by accepting the reasons mentioned in the same. The Civil Application is accordingly allowed, resultantly the heirs of the Petitioner No.4 are allowed to be brought on record. Amendment to be carried out within two weeks from date. The Learned Counsel for the Applicants to deposit costs of Rs.500/- with Kirtikar Law Library within two weeks. After the amendment is carried out, list the Petition for final hearing in the week commencing on 13-2-2017. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]