

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4897 OF 2016

IN

FIRST APPEAL NO. 957 OF 2012

Avinash S. Patki

(now deceased)

vs.

Alka Bal Deshpande

Office Notes, Office
memorandum of Coram,
appearance, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Mr. S.N. Chandrachood for the Applicant.

Mr. G. V .Nagarsheth for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 20 JANUARY 2017.

P.C. :-

- 1] Heard learned counsel for the parties.
- 2] This is an application seeking substitution of Mr.Jagdish Y. Gupte in place of the original appellant, who has expired. In the application, it is stated that the original applicant was one of the executor of the Will left behind by late G.D. Pradhan. In the Will itself, Mr. Gupte was also named as the second executor.
- 3] There is delay of about 3 months in taking out such application. Learned counsel for the respondent submits that this delay has not been satisfactorily explained

and the whole objective of the applicant is to delay the matter.

4] The delay has been sufficiently explained. No doubt, some prejudice is bound to occasion the respondent, but such prejudice can always be compensated in terms of costs.

5] Accordingly, the civil application is allowed. The delay in filing the same is condoned. Necessary amendment to be carried out within two weeks from today. The applicant to pay costs of Rs.3000/- to the respondent within a period of two weeks from today.

(M. S. SONAK, J.)