

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

**CIVIL APPLICATION NO.165 OF 2016
IN
CIVIL REVISION APPLICATION NO.129 OF 2011**

Santacruz Sunanda Premises Co-op. HSC. Ltd. ..Applicant
Versus
Narottam Ram K. Dhobi and others ..Respondents

Shri. Ganesh Lambade i/by Shri. Prem S. Gidwani for the Applicant.
None for the Respondents.

CORAM : R. M. SAVANT, J.
DATE : 18th APRIL, 2017

P.C.

1 The above Civil Application has been filed to bring the heirs of the Respondent No.1 on record and for condonation of delay of 466 days in filing the application. The reasons for the delay are mentioned in paragraphs 2 and 3 of the Civil Application. The sum and substance of the reasons is that initially the Applicant was told that the Respondent No.1 has only one heir i.e. the Respondent No.3. Thereafter the Applicant which is a co-operative society made inquiries and on such inquiries has found that the Respondent No.1 has another son who is the brother of Respondent No.3. The said process took some time. The Applicant being a co-operative society thereafter had to take steps to file an application to bring the heirs on record. In the said process the delay of 466 days in

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filing the application has occurred.

2 None appears for the Respondent No.3, though an affidavit in reply and the appearance of the advocate is shown on board.

3 The Civil Revision Application has been admitted on 16.08.2011 and is pending hearing and final disposal, in my view, it would be just and proper to allow the above Civil Application so as to bring the heirs of the Respondent No.1 on record. Hence accepting the reasons mentioned in the Civil Application, the same is allowed. Resultantly, the heirs of the Respondent No.1 are allowed to be brought on record. Amendment to be carried out within two weeks from date and the amended cause title to be served on the other side. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]