

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

913 CIVIL APPLICATION NO.5885 OF 2018  
IN SA/686/2016  
WITH  
CA/13235/2016 IN SA/686/2016

GOVIND BHAGWANRAO DESHMUKH DIED THROUGH LRS  
RADHABAI AND ORS  
VERSUS  
ROOPLA MEGHA LAMAN DIED LRS SITABAI AND ORS

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Advocate for Applicants : Mr. Chapalgaonkar S.G.  
Mr. H. V. Tungar, Adv. For R/ 1b To 1g.

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**CORAM : P.R.BORA, J.**

**DATE : 8<sup>th</sup> August, 2018.**

**PER COURT :**

1) This is an application for bringing on record the legal heirs of deceased appellant. Since delay of 107 days has occurred in filing the application, it is also sought to be condoned.

2) Learned counsel appearing for respondents has opposed for condoning the delay stating that the reasons as are assigned are not just and sufficient.

3) On perusal of the application, however,

it is revealed that the delay has been sufficiently explained. I am, therefore, inclined to allow the application. In the circumstances, the delay of 107 days caused in filing the application is condoned. Abatement, if any, stands set aside. The legal heirs of deceased appellant as are mentioned in the application be taken on record. Necessary amendment be carried out within two weeks. CA for bringing the legal heirs on record is disposed of.

4) Learned counsel Shri Chapalgaonkar for the appellant submitted that interim relief was granted on 14<sup>th</sup> October, 2016 in terms of prayer clause (B) of CA No.13235/2016 and the same was operating in favour of the appellant. The learned counsel submitted that the said interim relief may be continued further.

5) The learned counsel Shri Tungar strongly opposed for continuing the interim relief granted in favour of the appellant. The learned counsel submitted that since last 21 months, the interim

relief is inoperative since the matter was not moved by the appellant seeking continuation of the interim order.

6) Learned Counsel Shri Chapalgaonkar submits that the matter was not ready though it was filed. It is further contended that now execution proceedings are being moved by the original decree holder and possession warrant is likely to be issued and the matter is posted on 24<sup>th</sup> August, 2018 in the executing court on which date, possession warrant is likely to be issued.

7) In view of the submissions so made, the interim relief granted earlier to remain in operation till the next date, i.e. 31<sup>st</sup> August, 2018. Hearing of the appeal is expedited.

. List the matter for further consideration on 31<sup>st</sup> August, 2018

**(P.R.BORA)**  
**JUDGE**

bdv/