

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 575 OF 2017**  
**IN**  
**SECOND APPEAL No. 138 OF 1997**

Smt. Sagunabai Shankar Pandit (Decd)  
through Sudhakar Shankar Pandit (Decd)  
through LRs Smt. Shantabai Sudhakar  
Pandit & Ors.

... Applicants

Vs.

Prakash Sadashiv Ghamandi (Decd)  
through LR Pradnya Prakash Ghamandi  
& Ors.

... Respondents

Mr. Vikram Walawalkar i/b. Mr. S.M. Sabrad, Advocate for the  
applicants.

Mr. Rishin Mantri i/b. Mr. S.B. Shetye, Advocate for respondent nos.  
1A to 1C.

**CORAM: MRS. MRIDULA BHATKAR, J.**  
**DATE: 13<sup>th</sup> April, 2018.**

**P.C.:**

This Application is moved by the applicants for bringing legal of  
deceased Appellant no. 4E-Nivrutti Dhondur Pandit, who expired on  
13<sup>th</sup> January, 2016.

2. The learned counsel for the applicants submitted that the delay  
is caused, as the applicants were not aware about the procedure.  
He submitted that the delay caused in filing this Application is neither  
deliberate nor intentional. The right to sue survives and the Appeal is

already admitted. Hence the delay be condoned and legal heirs of deceased appellant no. 4E be taken on record.

3. The learned counsel for the respondents is present and submits to the order of the Court.

4. In view of this, delay as prayed is condoned. The legal heirs of deceased appellant no. 4E, i.e. 4E(i) to 4E(iv) are brought on record. The amendment to be carried out by the learned counsel for the applicants within one week from today.

5. Civil Application is allowed and is disposed of accordingly.

**(MRIDULA BHATKAR, J.)**