

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1200 OF 2017
IN
WRIT PETITION NO. 5294 OF 2014***

Shri Aditya Anand Kelkar

Applicant

Versus

Shri Subhash Moreshwar Lele
(since deceased through his heirs)

1a) Smt. Hema Subhash Lele & Ors.

Respondents

Mr.Siddharth C. Wakankar, for the applicant.

CORAM : SMT. SADHANA S.JADHAV,J.

DATE : 24th April, 2018.

(In Chamber at 2.30 p.m.)

P.C. :

Civil Application No.1200 of 2017 was heard on

11.10.2017. This Court had observed as follows :-

“For the reasons assigned in paras 2 and 3 of the application, the delay in filing the application is hereby condoned in the interest of justice. The application is allowed in terms of prayer clause (a).”

2. Inadvertently, prayer clause (b) was not considered on 11.10.2017. Hence, the matter is posted for speaking to the minutes. In fact, the applicant had submitted that the original

respondent had died on 9.10.2016. However, the applicant was not aware of the same and, therefore, the civil application could not be filed earlier. The fact that the delay of 64 days in filing the application for bringing on record the heirs of respondent No.1 is condoned, needless to say that the consequential order would be grant of prayer clause (b). The delay was in bringing the legal heirs on record. The condonation of delay could not have been given effect in the eventuality that prayer clause (b) is not granted. Hence, Civil Application No.1200 of 2017 is also allowed in terms of prayer clause (b). Amendment to be carried out forthwith.

3. Civil Application stands disposed of.

[SMT. SADHANA S.JADHAV, J.]