

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO.384 OF 2014
WITH
CIVIL APPLICATION No. 691 OF 2015
WITH
CIVIL APPLICATION No. 1267 OF 2015**

Sudhakar Lobhaji Ghaitadkay ... Appellant
Vs.
Madhukar Lobhaji Ghaitadkay & Ors. ... Respondents

Mr. Atul S. Tungare, Advocate for the appellant.
Mr. Girish M. Joshi, Advocate for respondent No. 1.

**CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 29th January, 2018.**

P.C.:

This Appeal is pending for admission since 2014. In between, Civil Application No. 1264 of 2015 was moved by the appellant for bringing legal heirs of deceased respondent No. 1-Madhukar Lobhaji Ghaitadkay. In the Application, it is prayed that respondent nos. 1A to 1E are the legal heirs of deceased respondent No. 1.

2. Another Civil Application No. 691 of 2015 was preferred by the appellant in February, 2015 praying that respondent nos. 6A and 6B are to be brought on record in the event of death of respondent No. 6-Usha Ashok Sonawane.

3. The learned counsel for the appellant/applicant submitted that in bringing the legal heirs of deceased respondent No. 6, i.e., 6A and 6B, there is delay of 211 days in filing the Application because he had mistaken belief that legal heirs of deceased respondent no.6 -Usha Ashok Sonawane are already on record and hence delay is caused.

4. The learned counsel for original respondent No. 1 is present. He submitted that one of the legal heirs of deceased respondent No. 1 is dead, however, he wants to verify.

5. In view of this, for the reasons mentioned in Civil Application No. 691 of 2015, delay is condoned. Civil Application Nos. 1267 of 2015 and 691 of 2015 for bringing their respective legal heirs on record are allowed. The legal heirs of deceased respondent No. 1 and deceased respondent No. 6 are to be brought on record. Amendment to be carried out within one week.

6. Place the Appeal from Order for admission on 26th February, 2018.

(MRIDULA BHATKAR, J.)