

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

**CIVIL APPLICATION NO. 2608 OF 2018
IN
WRIT PETITION NO. 2583 OF 2000**

Smt.Parvatibai Gopal Kore (Since deceased) Through LR. & Ors.	...	Applicants
V/s.		
Tatoba Dadu Magdum & Ors.	...	Respondents

Mr.Sandeep Koregave for Applicants.
Ms.Akansha Helaskar i/b. Mr.A.M. Kulkarni for Respondent Nos.1 to 3.

CORAM : A.S. GADKARI, J.
DATE : 1st August 2019.

P.C. :

1] This is an application for bringing legal heirs of sole petitioner on record.

There is delay of about 3 years and 269 days in filing the present application.

2] Learned Advocate for the applicants submitted that, the applicants hail from lower economic strata of the society and not well educated. He therefore submitted that, taking into consideration the said fact and the reasons stated in the application, the delay caused in filing the present application may be condoned.

3] Learned Advocate appearing for the respondents vehemently opposed the application and submitted that no plausible explanation for condonation of delay has been offered by the applicants.

4] However, in the interest of justice, I am inclined to condone the delay and allow the application, subject to condition that, the applicants shall pay cost of Rs.4,000/- to the High Court Legal Services Committee having their account in the name of High Court Legal Aid Fund within a period of two weeks from today.

5] In view thereof, the delay caused in filing the present application is condoned and the abatement is set-aside. The applicants are permitted to come on record to pursue the present petition.

6] The applicants are directed to carryout necessary amendment within a period of two weeks from today and serve a copy of the amended Petition upon the learned Advocate for the respondents within the same stipulated period.

7] It is made clear that, the payment of costs shall be condition precedent for condonation of delay in filing the present application.

8] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]