

Sonali Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1107 OF 2018
IN
SECOND APPEAL NO. 881 OF 2002

Girijabai Bajirao Garje
(since deceased Through legal heirs) ... Applicant
Vs.
Sohanlal Meghraj Jain & ors. .. Respondents

Mr.Nachiket V. Khaladkar, for Applicant.
Mr.Swapnil Mhatre, i/b. Shriram S.Kulkarni, for Respondent No.1.

CORAM : M.S.KARNIK, J.
DATE : 19th July, 2019

P.C. :

1. This application is made to extend the time granted to carry out the amendment in the cause title of the Second Appeal as per order dated 30/08/2008. The application is opposed by the learned Advocate for the Respondent No.1. Learned Advocate for the Respondent No.1 would submit that there is a gross delay in carrying out the amendment and the explanation as given by the applicant is not satisfactory.

2. Vide order dated 30/08/2008 this Court had permitted the

applicants to bring the legal heirs of sole appellant on record. In my opinion, the appellant cannot be non suited only because they failed to carry out the amendments within the time granted by this Court. Respondent No.1 can be compensated with cost of Rs.2,000/-. For the reasons mentioned in the application, the application deserves to be allowed subject to payment of cost of Rs.2,000/- to the respondent No.1 within a period of two weeks from today. The application is allowed in terms of prayer clause (a). Consequential amendment as per order dated 30/08/2008 to be carried out within two weeks. Civil Application is adjourned to 26/07/2019.

(M.S.KARNIK, J.)