

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 3280 OF 2016****IN****FIRST APPEAL NO. 25 OF 2004****The State of Maharashtra****.....Applicant****VERSUS****Smt.Kamal Krishnaji Deshpande
(since deceased through her legal heirs)****Smt.Shobhana Suresh Tijare & Anr.****.....Respondents**

Mr.Yogesh Dabke, A.G.P. for the State – Applicant.

Mr.Sanjay K.Gunjkar, i/b. Mr.Jaydeep S. Deo for the Respondents.

CORAM : R.D. DHANUKA, J.**DATE : 15th NOVEMBER, 2019****P.C.**

There is delay of 4 years and 305 days in filing the present civil application for bringing the legal heirs on record of the deceased sole respondent. Learned counsel for the legal heirs of the sole respondent states that the delay is not sufficiently explained and if this court comes to the conclusion that the delay shall be condoned, the applicant shall be asked to pay the exemplary cost.

2. A perusal of the civil application indicates that the delay is not sufficiently explained. However, in the interest of justice and on payment of cost of Rs.25,000/- to the respondents within four weeks from today, civil application is made absolute in terms of prayer clauses (b), (c) and (d). It is made clear that no further extension of time would be granted. If the payment of cost is not made within the

time prescribed, the order passed by this court condoning delay to stand vacated without further reference to court.

3. Amendment to be carried out within two weeks from today. Amended copy of the first appeal shall be served upon the respondents within one week thereafter.

4. Learned counsel for the newly added respondents waive service.

5. Hearing of the first appeal is expedited.

6. Office is directed to add the matter on board under the caption of 'High Court Expedited Matters' according to the year number and year of the matter.

[R.D.DHANUKA, J.]