

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.2050 OF 2017
in
FIRST APPEAL NO.218 OF 2008**

Sadanand Govind Sagwekar & anr Applicants

IN THE MATTER BETWEEN

Sangeeta Sadanand Sagwekar .. Appellant

vs

Leelabai Narayan Chorghe .. Respondent

Mr.A.K.Singh for Applicants

None for Respondent

CORAM : K.K.TATED, J

DATE : 25th MARCH, 2019

P.C

Heard learned counsel for the applicants.

2. Though the respondent is duly served none appears when the matter is called out.

3. By this Civil Application, the applicant is seeking permission to join them as party-appellants in First Appeal No.218 of 1998 as legal heirs of deceased- sole appellant-Sangita Sagwekar who died on 26.4.2015. Learned counsel for the applicant submit that there is delay in filing the Civil Application. He submits that for want of knowledge, there is a delay in filing the present Civil Application.

4. Considering the submissions made by the learned counsel for the applicant, and reasons disclosed in paragraphs nos. 2,3 and 4 of the

Civil Application, I am satisfied that the applicant has made out a case for the following order :

O R D E R

- (i) Abetment is set aside.
- (ii) The delay in filing the Civil Application is condoned.
- (iii) The applicant is permitted to bring on record the legal heirs of deceased sole appellant in First Appeal No.218 of 2008 on or before 26.4.2019 failing which, the Civil Application shall stand dismissed without referring to the Court.
- (iv) After amendment is carried out as stated hereinabove, the applicant to serve the amended copy of the First Appeal on other side on or before 29.4.2019 and file proper service.

Civil Application stands disposed of accordingly.

No order as to costs.

{K.K.TATED, J}