

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

**CIVIL APPLICATION NO. 235 OF 2019
IN
CIVIL REVISION APPLICATION NO. 1125 OF 2012
WITH
CIVIL APPLICATION NO. 236 OF 2019
IN
CIVIL REVISION APPLICATION NO. 1125 OF 2012**

Shri Mohan Shankar Varde & Ors. ...Applicants

Versus

Shri Sharad Baburao Isnagar & Ors. ...Respondents

Ms. Neuty N. Thakkar- Advocate for the applicant
Ms. Vidita Bhalekar i/b Ranjana Parikh – Advocate for
the respondents 1 to 7.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 28th JUNE 2019.

P.C. :

In this Civil Revision application, there are seven respondents. Of them, the first respondent died on 19.09.2018, but the petitioners came to know about that on 30.10.2018.

2. Similarly, the third respondent died on 28.03.2017; but the petitioners came to know about it on 30.10.2017. Then, they filed a common Civil Application No. 5 of 2018 on 02.11.2018

to bring on record the LR's of the first and third respondents.

3. On the last occasion, the Court pointed out that there should have been two separate Civil Applications to bring on record the legal representatives of two different parties to the proceedings: the first and third respondents. In fact, the case against the third respondent stood abated because the application was filed after 492 days.

4 So, now, the petitioners have come up with two applications: Civil Application No. 235 of 2019 to bring on record the first respondent's legal representatives; Civil Application No. 236 of 2019 to bring on record the third respondent's legal representatives. The former one is without delay, and the latter with a delay of 492 days. The petitioner wants this Court to condone the delay of 492 days, to have the abatement set aside.

5. The learned counsel for the respondent submits that the delay in the second application has not been adequately explained.

6. Heard the learned counsel for the applicant and the learned counsel for the respondent.

7. As is seen, in the first Civil Application, there is no delay; and in the second, there is a delay of 492 days. After going through the Civil Application No. 236 of 2019, I am satisfied that the delay has been properly explained.

8. Under these circumstances, I allow both the Civil Application Nos. 235 of 2019 and 236 of 2019. As a result, the

petitioners may bring on record the legal representatives of the first respondent and third respondent, as the delay stands condoned in the second application and the abatement set aside.

9. Amend to be carried out in two weeks after the petitioners' securing a copy of this order.

Post the Civil Revision Application No. 1125 of 2012 thereafter.

[DAMA SESHADRI NAIDU, J.]