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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 653 OF 2019 IN
FIRST APPEAL NO. 551 OF 2005

Taroon Anand Pradhan & Anr. ...Applicants
vs.
Marshal Francis Dias & Anr. ...Respondents

Mr.S.J.Chaurasia i/b M/s.Ashoka Law Firm for the Applicants
Mr.Sandeep Ghogare with Ms Anita Y. Patil for the respondent

CORAM : R.D.DHANUKA, J.
DATE : NOVEMBER 6, 2019

P.C.:

1 By this Civil Application the Applicants seek condonation of delay of 4218 days in filing the First Appeal, for setting aside the abatement of First Appeal no.551 of 2005 and also seeks amendment to the cause title of the First Appeal and impleadment of the applicants as the appellants in place of original appellant.

2 Civil Application is vehemently opposed by the learned counsel for respondent by filing affidavit in reply dated 6th November 2019. He states that the respondent has expired in the year 2012. He further states that delay of 4218 days has not been explained properly in the Civil Application.

3 I have perused the averments made in the Civil Application and also affidavit in reply filed by the respondent. In my view, though the reasons given by the learned counsel for the applicants have not sufficiently explained the delay, however, in view of the fact that the First Appeal is of 2005

and the applicants have recorded some reasons, I am inclined to grant relief on the condition that the applicants shall pay cost of Rs.25,000/- to Kirtikar Law Library within two weeks from today. A receipt of payment of cost shall be produced for perusal of the Sheristedar within two weeks. It is made clear that if receipt of payment of costs is not produced within two weeks, the order passed by this Court granting relief will stand vacated without reference to the Court. The learned counsel for the respondent to provide details of the legal representatives of the respondent to the applicants' Advocate. The applicants to file a fresh Civil Application for bringing on record the legal representatives of the respondent. A copy of the said Civil Application shall be served to the legal representatives of the respondent.

4 Civil Application is allowed in terms of prayer clause (a). Amendment to be carried out within two weeks from today. Amended copy of the First Appeal shall be served to the legal representatives of the respondent through their respective Advocates.

(R.D.DHANUKA,J.)