

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 2425 OF 2020
IN
EXECUTION APPLICATION (L) NO.1797 OF 2019**

Tulsibai Sunderdas Jagasia & Ors. .. Claimant/Decree Holder
Vs.
Niraj G. Kakad .. Respondent/Judgment Debtor

Mr. Pradeep Thorat for the applicant.

Mr. Anil D'Souza for the respondent.

**CORAM : A. K. MENON, J.
DATE : 14TH OCTOBER, 2020.
(THROUGH VIDEO CONFERENCE)**

P.C. :

1. This is an application seeking condonation of delay in filing the interim application seeking to bring heirs of the original claimant no.1 on record. Mr. D'Souza appearing for respondent seeks to oppose the application on the ground that while the heirs are required to be brought on record ,the reasons given for seeking condonation of delay are not correct.

Secondly he submits that the heirs ought not to be brought on record till these heirs are made members of the society. Mr. Thorat on behalf of the applicants reiterate that the reliefs sought by them.

2. In my view these are defences that Mr. D'Souza may take up if so advised on merits and cannot prevent the legal heirs being brought on record. Having considered the averments and submissions, I am of the view that the application is liable to be allowed. Accordingly, I pass the following order;

(i) Application is made absolute in terms of prayer clauses (a), (b) and (c).

(ii) Amendment to be carried out within two weeks from today.

(iii) Mr. D'Souza undertakes to file vakalatnama also within two weeks from today. Re-verification dispensed with.

(iv) This order shall be digitally signed by the Personal Assistant of this Court.

(A. K. MENON, J.)

Digitally
signed by
Sandhya
Wadhwa
Date:
2020.10.15
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