

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3343 OF 2021****IN****SECOND APPEAL NO. 982 OF 2006**

Shri Gulab Aliakbar Mujawar

Since deceased through LRs.

1A. Smt.Tahirabi Gulab Mujawar and Ors.

... Applicants

In the matter between :-

Shri Gulab Aliakbar Mujawar and Anr.

... Appellants

V/s.

Jainabi Hassodin Mujawar

Since deceased through LRs.

... Respondents

Mr.S. S. Shah, Advocate for Applicant.

Mr. V. S. Talkute, Advocate for Respondents.

CORAM : A.S. GADKARI, J.**DATE : 22nd NOVEMBER, 2021.****PC. :**

1. This is an Application for bringing legal heirs of Appellant No.1 on record.

It is stated that, the Appellant No.1 i.e. Shri Gulab Aliakbar Mujawar passed away on 07th October, 2011. There is a delay of 9 years and 267 days in filing the present Application.

2. Mr. Talkute, learned counsel appearing for the Respondents submitted that, the said delay is inordinate and has not been properly explained

by the Applicants/Appellants and therefore it may not be condoned. He further submitted that, if the Court is inclined to condone the delay in the interest of justice, exemplary cost may be imposed upon the Applicants.

3. Perusal of the Application would indicate that, it is necessary in the interest of justice to condone delay to bring legal heirs of Appellant No.1 on record. However, taking into consideration the delay caused for filing the present Application, it will be appropriate to impose cost of Rs.10,000/- upon the Applicants.

4. In view thereof, delay is condoned, abatement if any, is set aside and the Application is allowed in terms of prayer clauses (a) and (b), subject to condition that, the Applicants shall pay a cost of Rs.10,000/- (Rs.Ten Thousand Only) to the High Court Legal Services Committee, Mumbai having its account namely "High Court Legal Aid Fund", Account No. 60045304283, IFSC-MAHB0000002 of the Bank of Maharashtra, Branch-Fort, Mumbai-400032, maintained by the High Court Legal Services Committee, Mumbai, Room No. 105, 1st Floor, PWD Building, High Court, Mumbai and to furnish the details of such cost to the High Court Legal Services Committee, Mumbai and obtain the receipt thereof physically or through Email i.e. hclsc.mumbai@gmail.com which shall be the proof of such payment/ deposit. The cost be deposited within a period of three weeks from today.

5. Necessary amendment in the record of Court and in the copy of Appeal served upon the learned Advocates for Respondents be carried out within a period of three weeks from today.
6. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]