

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

INTERIM APPLICATION NO. 1248 OF 2020

IN

SECOND APPEAL NO. 28 OF 2011

**Sneha N.
Chavan**

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by Sneha N.
Chavan
Date: 2021.03.12
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Chandrakant @ Ashok Govind Kumar
(Since Decd) through LR. Vasundhara
Chandrakant @ Ashok Kumar & Ors. ..Applicants

V/s.
Faizulla Hasanali Tapia (Since Decd)
through LR. Moshina Faizulla Tapia & Ors. ..Respondents

Mr. Ashok Tajane for the Applicants
Ms. Siddhi Doshi i/b ALMT Legal for the Respondent No.1.

CORAM : C.V. BHADANG, J.
DATE : 12th MARCH 2021

P.C.

. Leave to correct the prayer clause granted. Necessary correction to be carried out forthwith.

2. This is an application for bringing the legal representatives of the respondent No.1 on record, who expired on 04.01.2018.

3. The present application is filed in January 2020, in which there is a delay of about 1 year and 301 days.

4. The learned counsel for the applicant points out that intimation about the death of the respondent no.1 was not served on the applicant and after coming to know about death, he obtained

the death certificate and the details of the legal representatives, which were furnished by the respondent by a letter dated 23.01.2020, after which immediately the application came to be filed. He, therefore, submits that application is within time from the date of knowledge.

5. Upon hearing the learned counsel for the parties and for the reasons mentioned in the application, I find that the delay deserves to be condoned. In such circumstances, the application is allowed, in terms of prayer clauses (a) and (b).

6. Necessary correction to be carried out within one week.

C.V. BHADANG, J.