

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

**CIVIL APPLICATION NO.1365 OF 2017
IN
SECOND APPEAL NO.96 OF 2008**

Mahadeo Govind Ghare ...Applicant
V/s.
Chandrakant Govind Ghare & Ors. ...Respondents

Mr. Sharad T. Bhosale, Advocate for Applicant.
Mr. Abhijit Kulkarni for Respondent Nos.1 to 6.
Mr. N. V. Bandiwadekar, Advocate for Respondent Nos.7 to 18.

CORAM : A. S. GADKARI, J.
DATE : 19th JULY, 2021.
(Through Video Conferencing)

PC. :

1. This is an Application for bringing legal heirs of the Respondent No.34 on record. It is stated that, the Respondent No.34 expired on 25th September 2011. There is a delay of 5 years and 165 days in filing the present Application.

2. Learned Advocate for the Applicant submitted that, the legal heirs of the Respondent No.34 have been duly served and Affidavit of Service dated 9th February 2018 to that effect has been filed.

Despite service, none-appears for the Respondent Nos.34C.

3. Mr. Kulkarni, learned counsel for the Respondent Nos.1 to 6 and

Mr. Bandiwadekar, learned counsel for the Respondent Nos.7 to 18, opposed the Application and submitted that, delay has not been properly explained and therefore, the present Application may not be entertained.

4. However, in the interest of justice, it is necessary to condoned the delay and allow the Applicant to bring legal heirs of the Respondent No.34 on record, subject to payment of costs of Rs.5,000/- to be paid to High Court Legal Services Committee, Mumbai, within a period of two weeks from today.

The Applicant to pay/deposit the costs in the 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 costs 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.

5. In view of the above and for the reasons stated in the Application, delay is condoned and Application is allowed in terms of prayer clause (a), (b) and (d).

It is made clear that, the present Application is allowed, subject

to payment of the aforestated costs.

6. If the cost is not deposited within the stipulated period, the present Application shall stands dismissed for non-compliance of present Order without further reference to this Court.

7. Necessary amendment be carried out in the record of the Court and simultaneously in the copies served upon the learned Advocates for the respective Respondents within a period of four weeks from today, .

(A. S. GADKARI, J.)