

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

**INTERIM APPLICATION NO. 2590 OF 2021
IN
FIRST APPEAL NO. 850 OF 2016**

Shri Naresh Babu Naik & Ors.

...Applicants

In the matter between

The State of Maharashtra

...Appellant

vs.

Shri Naresh Babu Naik,
(since deceased)

1a. Prema Naresh Naik & Ors.

...Respondents

Mr.Eeshan Khaire i/b. Mr.S.S. Kulkarni for Applicants.

Mr.Anand R. Patil, AGP for State.

CORAM : BHARATI DANGRE, J.

DATED : 30 SEPTEMBER 2021

PC. :

. The application is taken out by the Applicants with a prayer for bringing the legal heirs of deceased/Applicant No.1/original Respondent in the first appeal Naresh Babu Naik on record, in view of his death on 15 December 2013. The application claims that on his death, his legal representatives need to be brought on record for the effective adjudication of the appeal. Further deletion is sought of Respondent No.6 Smt. Devaki Babu Naik, who died on 12 April 2021 and her name is sought to be deleted from record. Respondent No.6 is a mother of Respondent No.1 Naresh Babu Naik and since all her legal heirs are already party to the appeal, there is no necessity of bringing her heirs on record but her name

has to be deleted from the array of parties.

2. In bringing the application, there is a delay of 7 years and 158 days and the reason cited is on account of the knowledge which is acquired by the Applicant and the justification is offered in the application.

3. Since the death has occurred in the period between the date of the judgment and the presentation of the appeal, I am of the considered opinion that justice would be attained, if the legal heirs are brought on record by condoning the delay of 7 years and 158 days.

4. Interim Application is made absolute in terms of prayer clauses (a), (c) and (d). Necessary amendment to be carried out within a period of one week from today.

(SMT. BHARATI DANGRE, J.)