

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2910 OF 2020
WITH
CIVIL APPLICATION NO.71 OF 2018
IN
SECOND APPEAL NO.748 OF 2004

Bhaskar Murgyappa Kaulapure .. Applicant
(since deceased) through LR
Smt.Kamal Bhaskar Kaulapure

Versus

Ashok @ Virupaksha Murgyappa .. Respondents
Kaulpure & Ors.

WITH
CIVIL APPLICATION NO.72 OF 2018

Leela Vishwanath Oundhe .. Applicant

Versus

Bhaskar Murgyappa Kaulapure
(deceased through) LR Kamal
Bhaskar Kaulapure .. Respondents

...

Mr.Sanjay D. Thokade for the Applicant in IA/2910/20.

Mr.S.S.Patwardhan for the Respondent No.1.

Mr.Ketan Joshi for the Respondent No.2.

Mr.Akshay Kulkarni i/b Mr.A.M.Kulkarni for the Respondent
No.7.

CORAM: BHARATI DANGRE, J.
DATED : 21st MARCH, 2022

P.C:-

1. By Interim Application No.2910 of 2020, the legal heirs of respondent No.3 are sought to be brought on record in the Second Appeal, which is admitted and pending for final hearing.

2. In the application, it is pleaded that when a notice came to be issued on Civil Application No.72 of 2018, making it returnable on a particular date and injunction came to be granted, the notice returned back with remark, "respondent No.3 is dead". In the circumstances, when the applicant herself is aged 87 years and residing in a village, she has pleaded that she was not aware about the demise of respondent No.3 on 27/08/2011. On the notice reporting that respondent No.3 is dead, necessary steps were taken to collect her death certificate and bringing it to the notice of the counsel so that the appropriate application could be brought for bringing the legal heirs on record.

Finding substance in the aforesaid application, the same deserves to be allowed by condoning the delay in filing the present application which is of 8 years and 99 days. Necessarily, the application is allowed in terms of prayer clauses (b), (c) and (d).

3. The necessary amendment in the Second Appeal shall be carried out within a period of one week from today. Upon the amendment being effected, issue notice to newly added respondent Nos.3-a to 3-c, making it returnable on 25/04/2022. The applicant is also permitted to serve the newly added respondents by private service.

(SMT. BHARATI DANGRE, J.)