

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1431 OF 2022
IN
SECOND APPEAL NO.175 OF 2003
ALONG WITH
INTERIM APPLICATION NO.1440 OF 2022
ALONG WITH
INTERIM APPLICATION NO.1443 OF 2022

Mohammad Umar Shaikh Ahmad]
(Deceased) Through LRs & Ors.] ... Applicants

Vs.

Haji Bhikan Bhai Vijir Bhai Tamboli]
(Deceased) Through LRs. & Ors.] ... Respondents

...
Mr. Sujit B. Padarat i/b Mr. A.R. Shaikh for the applicants.

Ms. Kavita Shinde i/b Mr. Ashok B. Tajane for respondent
Nos.1B, 1E, 1D, 1F and 1G.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 17TH MARCH, 2022.

P.C. :-

INTERIM APPLICATION NO.1431 OF 2022

1. Heard the learned counsel for the applicants and the learned counsel appearing for respondent Nos.1(b), 1(e), 1(d), 1(f) and 1(g).
2. By the present application, the legal heirs of appellant No.1(c) are sought to be brought on record, in the wake of his demise on 12/01/2020 at Nashik. The proposed legal heirs, as reflected in the schedule of amendment are applicant Nos.1(c)(i) to (iii).
3. Perused the application, which justifies the delay of 1 year and 270 days in filing the application and the delay is attributed to Covid-19 pandemic. It is the case of the applicants that from the month of March, 2020, the lockdown came to be imposed and, therefore, the legal heirs could not be brought on record, within limitation. The reasons stated in the application, justify its condonation. Hence, Interim Application No.1431 of 2022 is allowed in terms of prayer clauses (a) and (b). Necessary amendment be carried out within one week from today.

INTERIM APPLICATION NO.1440 OF 2022

4. By the present application, the legal heirs of appellant No.1(b) are sought to be brought on record, in the wake of his demise on 17/06/2019 at Gujarat. The proposed legal heirs, as

reflected in the schedule of amendment are applicant Nos.1(b)(i) to (viii).

5. Perused the application, which justifies the delay of 2 years and 114 days in filing the application. The explanation offered being *bona fide* and justiceable, the delay in filing the application deserves to be condoned. Hence, Interim Application No.1440 of 2022 is allowed in terms of prayer clauses (a) and (b). Necessary amendment be carried out within one week from today.

INTERIM APPLICATION NO.1443 OF 2022

6. By the present application, the legal heirs of respondent No.1(e) are sought to be brought on record, in the wake of his demise on 30/06/2020 at Nashik. The proposed legal heirs, as reflected in the schedule of amendment are respondent Nos.1(e)(i) to (iii).

7. Perused the application, which justifies the delay of 1 year and 101 days in filing the application. The reasons are found in paragraph Nos.3 to 5. The explanation offered being *bona fide* and justiceable, the delay in filing the application deserves to be condoned. Hence, Interim Application No.1443 of 2022 is allowed in terms of prayer clauses (a) and (b). Necessary amendment be carried out within one week from today.

[SMT. BHARATI DANGRE, J.]