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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Interim Application No. 902 / 2022
in
First Appeal No. 58 / 2004

Mrs. Savita Dattatray Karandikar Since
Deceased Bharati Dattatray Karandikar and Anr. ... **Applicants**

Versus

Shekhar Sadashiv Karandikar (Deceased Thr.
LRS.) Meeta S. Karandikar and Ors. ... **Respondents**

Alongwith

Civil Application (CAF) No. 1219 / 2019
in
First Appeal No. 58 / 2004

Dattatraya Sadashivkarandikar (Dead) Thr. LRS.
1.A) Mr. Shreeram Dattatraya Karandikar and Anr. ... **Applicants**

Versus

Shekhar Sadashiv Karandikar (Deceased Thr.
LRS.) Meeta S. Karandikar and Ors. ... **Respondents**

Ms. Kalyani Bane i/by M/s Divekar & Co., Advocate for Applicants in
IA & CAF.

Mr. Uday G. Jaguste, Advocate for Respondent No.1a to 1c in both
applications.

CORAM : SANDEEP K. SHINDE, J.
DATE : 30th MARCH, 2022.

P.C.

1. In view of the self operative order dated 20th February, 2017, First Appeal was dismissed. In November, 2017, Civil Application No. 1219/2019 was moved seeking restoration of appeal by condoning delay. Pending application, the Appellant No.2 passed away on 27th October, 2020. Thus, Interim Application No. 902/2022 (I.A. No.1838/2021) was moved to bring the legal representatives of deceased-Appellant No.2, on record.

2. Heard. Learned Counsel for the parties in both the applications.

3. Learned Counsel for the contesting Respondents opposed the Civil Application No. 1219/2019. They have filed affidavit in reply, contending that, no sufficient cause, has been shown for condoning the delay.

4. In consideration of the nature of lis, wherefrom the First Appeal arose, it is apparent, the dispute is amongst the family members. Having regard to the facts of the case and in view of the reasons

stated in the application, I am inclined to condone the delay, subject to costs Rs. 5000/-, which the Appellant shall deposit with the High Court Legal Services Committee within four weeks from today. Subject to depositing the costs and filing of paper book within four weeks, the Application No. 1219 is allowed and made absolute in terms of prayer clause A and B.

5. Insofar as Interim Application No. 902/2022 is concerned; in view of the reasons cited in the application, since right sue survives, the application is allowed in terms of prayer clause 'a'. Consequential amendments to be carried out within four weeks from today. The Appellant shall serve the amended copy of the appeal memo on Counsel for the Respondent, soon after amendments are carried out.

6. Both the applications are disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)