

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

**INTERIM APPLICATION NO. 9865 OF 2022  
IN  
FIRST APPEAL NO. 393 OF 2010**

Bhagiratibai Ambadas Vyavahare & Ors. ... Applicants/  
Proposed Respondents

**In the matter of**

Maharashtra State Road Transport Corporation ... Appellant

Versus

Chandrabhaga Murlidhar Vyavahare  
(since deceased) & Ors. ... Respondents

Ms. Smita R. Gaidhani for the Applicants.  
Mr. G.S. Hegde i/b G.S. Hegde & Associates for the Respondent.  
Mr. Y.Y. Dabke, A.G.P. for the State.

**CORAM : R.I. CHAGLA, J.**

**DATED : 6<sup>th</sup> DECEMBER, 2022.**

**ORDER :**

1           The learned Counsel appearing for the Applicants/Proposed Respondents have sought permission to implead themselves as party Respondents in place and stead of deceased Respondent No.3 and for carrying out the consequential amendments in the First Appeal. Condonation of delay of 1 year and 80 days in filing the present Interim

Application for bringing the legal heirs of Original Claimant/Respondent No.3 on record has been sought.

2           The Applicants have stated that they had informed the Appellant about the demise of Respondent No.3. However due to the covid-19 pandemic lock down there was delay of finding out about the status of the First Appeal. It is only after enquiry with their Advocate that they came to know about the position. Hence, it is stated that there is an inadvertent and unintentional delay in filing the present Interim Application for bringing the legal heirs on record.

3           There is no objection to the relief sought for in the Interim Application. Accordingly, the following order is passed

- i)     Delay on 1 year and 80 days in filing the present Interim Application for bringing the legal heirs of Original Claimant/Respondent No.3 is condoned.
- ii)    The Applicants/Proposed Respondents are permitted to brought on record in place and stead of deceased Respondent No.3 and for carrying out consequential amendments in the First Appeal.

iii) The Applicants shall carry out the amendment to the First Appeal within a period of two weeks from the date of this order.

iv) Interim Application is accordingly disposed of.

WAISHALI  
SUSHIL  
WAGHMARE  
Digitally  
signed by  
WAISHALI  
SUSHIL  
WAGHMARE  
Date:  
2022.12.08  
17:10:12  
+0530

**(R.I. CHAGLA, J.)**