

SALGAONKAR
M M
Digitally signed
by SALGAONKAR
M M
Date: 2022.05.05
16:39:55 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1689 OF 2020
IN
SECOND APPEAL NO.395 OF 2019

Bharat Sahebrao Shinde & Anr. .. Applicants

Versus

Bhaskar Shivram More & Ors. .. Respondents

...

Ms.Smita R. Gaidhani for the Applicants.

Mr.Aditya A. Thorat with Ms.Aprajita i/b Mr.Vaibhav Kadam
for the Respondent.

...

CORAM: BHARATI DANGRE, J.
DATED : 04th MAY, 2022

P.C:-

1. The present interim application is moved by the appellants, seeking impleadment of Smt.Shobha Gulabrao Patil as the legal heir of Smt.Anusayabai Shivram More.

2. The application proceed to state that Smt.Anusayabai, respondent No.5 in the appeal expired on 30/04/2014 and her four sons are already on record as respondent Nos.1 to 4. However, Smt.Shobha Gulabrao Patil, who is the married

daughter of respondent No.5, is also her legal heir and representative, remained to be brought on record inadvertently and needs to be brought on record.

3. Pertinent to note that, there is a delay of 5 years and 191 days in moving the application. On perusal of the application, it is apparent that it is only when the applicants became aware that respondent No.5 has also one surviving legal heir, the application came to be moved. Being convinced with the aforesaid explanation offered, the application is allowed in terms of prayer clauses (a) and (b).

Necessary amendment shall be effected within a period of two weeks from today. The learned counsel Mr.Thorat waives service of notice on behalf of the newly added respondent-Smt.Shobha Gulabrao Patil.

4. List the appeal for admission on 23/06/2022.

(SMT. BHARATI DANGRE, J.)