

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

VAISHALI
ANIL
TIKAM

INTERIM APPLICATION No. 755 OF 2022

IN

FIRST APPEAL No. 64 OF 2011

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Sunil Kanuba Doiphode ...Applicant

Vs.

Kanuba Pandurang Doiphode ...Respondent

WITH

FIRST APPEAL No. 368 OF 2012

**The Municipal Corporation of
Greater Mumbai ...Appellant**

Vs.

Kanoba Pandurang Doiphode ...Respondent

WITH

FIRST APPEAL No. 2546 OF 2005

Dr.Ramesh K. Doiphode and Anr. ...Appellants

Vs.

Suresh Kanuba Doiphode and Ors. ...Respondents

*** * * ***

**Mr. Arun Pankcker i/b. Nitin Parkhe for Applicant/
Appellant**

Mr. Om Suryavanshi for Appellant in FA/368/2012

**Mr. Abhay Thorat for Respondent Nos.1 and 2 in FA
64/2011**

Coram : Sandeep K. Shinde, J.

Dated: 5th MAY, 2022.

P.C. :

1. Pending appeal, sole Appellant passed away. This application is moved to bring the legal representatives of the deceased appellant on record. Application seeks to condone the delay of 1038 days caused in preferring the application.
2. Heard learned counsel for the parties. Perused the application.
3. Learned counsel for the Respondents vehemently opposed the application, contending that no reason are set out for condoning an inordinate delay of 1038 days.
4. In consideration of the facts of the case and for the reasons stated in paragraphs 4,5 and 6 of the application, in my view, a sufficient cause has been shown for condoning the delay. Therefore, delay caused in preferring the application is condoned. As a result, order, abating the appeal is set aside. Thus Appeal, is restored to the file subject to costs of Rs.1,000/-, which applicant/s shall pay to counsel for the Respondents, within a week from today. Application is allowed and made absolute in terms of prayer clauses (a) and (b). Consequential amendment to be carried out before 10th June, 2022.

(Sandeep K. Shinde, J.)

