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

**INTERIM APPLICATION NO.17653 OF 2022
IN
SECOND APPEAL NO.425 OF 2003**

Waman Narayan Bhawe ...Applicants
Since deceased through LR's.
1) Pratibha Waman Bhawe (Decd.) & Ors.

In the matter between

Waman Narayan Bhawe ...Appellants
Since deceased through LR's.
1) Shirish Waman Bhawe (Decd.)
through LR's Megaha S. Bhawe & Ors.

V/s.

Dev Bappa Co-op. Housing Society Ltd. ...Respondent

Mr. Pramod Pawar, for the Applicants.

Mr. Rupesh Sohoni, for the Respondent.

**CORAM : MADHAV J. JAMDAR, J.
DATE : 29th NOVEMBER, 2022**

P.C.:

1. This interim Application is taken out by the Applicants for bringing on record legal heirs of sole Appellant.

2. There is inordinate delay of 14 years and 180 days in filing the present Interim Application seeking setting aside abatement of Second Appeal and for condonation of delay of

14 years and 180 days.

3. The Applicants have stated that the original Appellant deceased Waman Narayan Bhave was carrying on his business at home and he was not on good terms with his sons namely Shirish Waman Bhave and Shashikant Waman Bhave.

4. It is contended that, Shirish Waman Bhave was residing at Wada and Original Appellant deceased Waman Narayan Bhave was residing at Thane. The Applicants were not aware about the cases filed by the deceased Waman Narayan Bhave.

5. Mr. Rupesh Sohoni, learend counsel appearing for the Respondent pointed out the contentions raised in affidavit in reply of the Respondent-Society. He strongly opposed the Interim Application.

6. However, perusal of Interim application shows that the relations between original deceased Appellant Waman Narayan Bhave and his two sons was strained and they were not aware about the pendency of this litigation.

7. In view of this, sufficient cause has been shown to condone the delay. However, as the delay is more than 14 years, the Respondent-society is required to be compensated.

Therefore, Interim Application is allowed in terms of prayer clauses (b), (c) & (d), however, subject to payment of cost of Rs. 25000/- to be paid by the Applicants to Respondent-Society within a period of three weeks.

8. The Interim Application is disposed of in the above terms.

(MADHAV J. JAMDAR, J.)