

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

**CIVIL APPLICATION NO.786 OF 2017
IN
FIRST APPEAL (STAMP) NO.28979 OF 2008**

Zarina Rashid Ahmed Shaikh and
Ors.

...Applicants

Versus

Shantabai Somrao Gajekos and Ors.

...Respondents

...

Mr. Y.E. Mooman for the Applicants.

Mr. Rajesh N. Kachare for Respondent No.1.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 18th NOVEMBER, 2022.

P. C. :-

1. By this application the Applicants have sought to condone the delay of 214 days in filing the application for bringing on record the legal representatives of the deceased Appellant.

2. Heard Mr. Mooman, learned counsel for the Applicants and Mr. Kachare, learned counsel for Respondent No.1. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The Appellant had expired on 09/10/2009. The Applicants have stated that they were not aware of the appeal filed by the Appellant. On 29/07/2010 the Applicant No.4 received a telephone call from the office of Advocate Mr. Dani requesting the Applicants to attend his chamber. The Applicants attended the office on 02/08/2010 and it was only then they learnt about pendency of the appeal. It is stated that earlier Advocate on record has returned the papers on 02/08/2010 and the present application is filed on 10/08/2010.

4. Considering the reasons stated in the application, which in my considered view constitute sufficient cause, the application is allowed. The legal representatives of the deceased Appellant be brought on record. Cause title be amended within a period of two weeks.

5. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)