

Mr. Mohammed Zain Khan for the appellant in Secodn Appeal (St.) No.26539 of 2017 and for the applicant in Civil Application (St.) No.458 of 2018 and 459 of 2018.

Mr. Sachindra B. Shetye for the appellant in Second Appeal No.268 of 2019 and for the applicant in Interim Application (St.) No.19047 of 2021.

Ms. Latika i/b Mr. Rohit Joshi for the respondents.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 30TH MARCH, 2022.

P.C. :-

CIVIL APPLICATION NO.458 OF 2018

1. By the present application, delay of 5 days in instituting the second appeal against the order dated 15/05/2017 passed by the Principal District Judge, Raigad, Alibaug is sought to be condoned.
2. Heard the learned counsel appearing for the applicant and perused the application, which justifies the condonation of delay in filing the appeal. For the reasons stated in the application, delay is condoned.
3. The Civil application is allowed in terms of prayer clause (a).

4. The Registry is directed to register the appeal.

INTERIM APPLICATION (ST.) NO.19047 OF 2021

5. By the present application, the legal heirs of the sole appellant Mahadeo Mhatre, are sought to be brought on record in the wake of his demise on 20/04/2021.

6. Heard the learned counsel for the applicant and perused the application. The contents of the application justify its existence and the same is allowed in terms of prayer clause (a).

7. The appeal memo shall be amended by bringing the legal heirs of the appellant on record within one week from today.

SECOND APPEAL (ST.) NO.26539 OF 2017

8. Consequent to the Interim Application (St.) No.19047 of 2021 being allowed and since Mahadeo Mhatre is also a respondent in this second appeal, the appellant is permitted to amend the title clause of the said appeal and permitted to bring the legal heirs of the said Mahadeo Mhatre. Necessary amendment be carried out within one week from today.

9. On the amendment being carried out, issue notice to the newly added respondents.

10. Mr. Shetye learned counsel waives service of notice on behalf of the newly added respondents.

11. Liberty to the parties to circulate the appeals after the amendment is carried out.

[SMT. BHARATI DANGRE, J.]