

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3143 OF 2019

IN

CIVIL REVISION APPLICATION (ST.) NO. 29903 OF 2019

Smt. Chandrabai Savlaram Sawant & Anr. ... Applicants

V/s.

Gopinath Harishchandra Ghag ... Respondent

Mr.Omkar Nagvekar for Applicants.

Mr.Jabbar Shaikh a/w. Mr.Avinash Naikwadi i/b. Mr.Sadik Pathan for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 7th April 2022.

PC. :

1. This is an application for condonation of delay of 159 days in filing the present Revision Application and to bring legal heirs on record of Applicant No.2 Savlaram Babaji Sawant. It is stated that the Applicant No.2 passed away on 23rd June 2019, leaving behind Applicant Nos.2(a) to 2(d) as his legal heirs and representatives.

2. The Respondent has filed a detailed Affidavit-in-Reply opposing the application. Learned counsel appearing for Respondent also vehemently opposed the application and submitted that, sufficient cause for condonation of delay has not been make out by the Applicants and therefore the delay may

not be condoned.

3. Perusal of application and documents annexed thereto would indicate that, sufficient cause is made out by the Applicant for condonation of said delay. The law laid down by the Hon'ble Apex Court in case of *The Collector, Land Acquisition, Anantnag & Anr. Vs. Mst. Katiji & Ors., reported in 1987 AIR 1353 and Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy, reported in (2013) 12 SCC 649*, is squarely applicable to the present case. However, taking into consideration the delay, this Court thinks it appropriate to impose cost of Rs.2,000/- to the Applicant for condonation of delay. The said cost be paid to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from today.

4. Subject to payment of cost as aforesaid, delay is condoned and the Application is allowed in terms of prayer Clause (a) and (b).

5. Necessary amendment in the record of Court and the copies supplied to the learned Advocate for the Respondent be carried out within a period of three weeks from the payment of cost.

[A.S. GADKARI, J.]