

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1812 OF 2022
IN
INTERIM APPLICATION NO. 2490 OF 2021
IN
WRIT PETITION NO. 1656 OF 2016

Narayan @ Pandit Ramchandra Katkar

Applicant /
.. Petitioner

Versus

Gajanan Ramchandra Katkar & Ors.

.. Respondents

-
- Mr. Jenish Jain i/by Dr. Uday Warunjikar for Applicant
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 03, 2023

P.C.:

- 1.** Heard Mr. Jain, learned Advocate for Applicant.
- 2.** Perused the Interim Application. It is stated in the Application that Respondent No. 12 – Akkatai Vitthalrao Kashid has expired in the year 2007. However, Mr. Jain, learned Advocate for Applicant submitted that the Applicant gained knowledge about demise of Respondent No. 12 only in the year 2021. Necessary averments to that effect are made in paragraph No. 4 of the Application. When the Writ Petition was filed in the year 2016, Applicant did not have knowledge about the demise of Respondent No. 12. Though it is pleaded that there is a substantial delay of 14 years from the date of death of Respondent No. 12, it is seen that the Petition is filed in

2016. Hence, there would be a delay of around five years and giving the benefit of the Covid pandemic period under the extant orders of the Supreme Court in the Suo Motu Writ Petition, the delay would otherwise be of around 2 & ½ years. Record further reveals that one of the legal heir of deceased Respondent No. 12 i.e. Chandrakant Vitthalrao Kashi has also expired on 30.03.2015 and the names of all legal heirs are mentioned in paragraph 4

3. For the reasons mentioned in the application, the delay cannot be attributable to the Applicant as they had no knowledge about the demise of Respondent No. 12. The Applicants are fair in making the necessary averments in the petition. In that view of the matter, Interim Application deserves to be allowed and is disposed of in terms of prayer clauses (a) and (b) which read thus:-

- (a) This Hon'ble Court be pleased to condone the delay of 14 years & 77 days in filing of the present Interim Application.*
- (b) This Hon'ble Court be pleased to allow the Application by permitting the Applicant to bring on record the legal heirs of the deceased Mrs. Akkatai Vitthalrao Kashid Respondent No. 12 in the above referred Writ Petition for the reasons mentioned in the present Application."*

4. Amendment be carried out within four weeks. Re-verification stands dispensed with. Copy of the amended title shall be served on the Respondents.

[MILIND N. JADHAV, J.]