

Arjun

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

**CIVIL APPLICATION NO.824 OF 2018
IN
SECOND APPEAL NO.261 OF 1995**

Sadashiv Bhimrao Kalekar ...Applicants
(Since deceased through his LR's.)
1. Mahadeo Sadashiv Kalekar & Anr.

V/s.

Pratap Rajaram Kalekar & Ors. ...Respondents

Mr. Akshay Kulkarni i/b Ashutosh M. Kulkarni, for the
Applicants/Appellants.

Mr. Onkar Mane i/b Satyajee Shirke, for Respondent
Nos.1 to 3.

**CORAM : MADHAV J. JAMDAR, J.
DATED : JULY 17, 2023**

P.C.:

- 1.** This Civil Application is taken out to bring on record legal heirs of sole Appellant.
- 2.** The sole Appellant passed away on 26th July, 2006 and the Civil Application has been filed on 2nd April, 2018. There is considerable delay in filing the Civil Application.
- 3.** Learned Advocate appearing for the Respondents strongly opposes the Civil Application.

4. However, in paragraph No.4 of the Civil Application it has been stated that there were two companion Second Appeals and both the Appeals were admitted and pending for final hearing and, in the Second Appeal No.263 of 1995, the legal heirs of sole Appellant were brought on record. However, due to some misunderstanding legal heirs were not brought on record in the present Second Appeal.

5. Therefore, for the reasons set out in the Civil Application, the same is allowed in terms of prayer clauses (b), (c) and (d) on the condition that, the Applicant pays cost of Rs.5000/- to the Respondents. The said cost will be paid to the Respondents within a period of 14 days from today.

6. Amendment be carried out within a period of 14 days from day.

7. The Civil Application is disposed of in the above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]