

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 95 OF 2020
IN
FIRST APPEAL NO. 747 OF 1996

Dr. Kirtikumar Mehta since deceased through Lrs. ...Applicants
1- Shri. Bhavin Kirtikumar Mehta and ors.

IN THE MATTER BETWEEN

Dr. Kirtikumar Vinodchandra Mehta and Anr. ...Appellants

Versus

The State of Maharashtra and Anr. ...Respondents

Ms. Vidhi Jain, i/by Mr. P. B. Shah Advocate for Applicants.

Ms. Tanaya Goswami, AGP for Respondent/State.

CORAM : M.M. SATHAYE, J.

DATE : 11th DECEMBER, 2023

P.C. :

1. This is an Application for bringing legal heirs of deceased Appellant No. 1 on record. Office note shows that there is delay of 2 years and 234 days in filing the Application.

2. Heard learned Counsel for the Applicants and learned AGP, for the Respondents/State.

3. Learned Counsel for the Applicants invited this Court's attention to the averments in the Civil Application to the effect that the present Appeal was filed and was being looked after by their father deceased Appellant No. 1 and he himself was dealing with the

proceedings. She submitted that the Applicants were not aware of the pendency of the proceedings till August 2019, when they received a letter of the advocate informing listing of matter for final hearing. Thereafter, it is submitted that they have acted immediately and this application is filed in August 2019 itself. Therefore there is delay in filing this Application.

4. Learned AGP, has opposed the condonation of delay on the ground that the long delay in filing the Application is not properly explained. However, record shows that no reply is filed in the Application till date.

5. Considering the extent of delay and the averments made in the Application explaining it, especially about lack of knowledge, sufficient cause is made out.

6. Hence, this Application is allowed in terms of prayer clause (a) to (d). Delay is condoned. Applicants are permitted to be brought on record as legal heirs of deceased Appellant No. 1. Necessary amendment be carried out on before the next date. Civil Application is disposed of.

7. Place the above First Appeal under the caption of final hearing on 19.12.2023. All concerned to act on authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)