

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1080 OF 2020
WITH
INTERIM APPLICATION NO. 1081 OF 2020
IN
FIRST APPEAL NO. 429 OF 1996

The State of Maharashtra

...Applicant/
Appellant

Versus

Shridhar Dwarkanath Mhatre (Since
Deceased)through LRS.
1-A Shri. Shailesh Shridhar Mhatre and Ors.

...Respondents

Ms. Tanaya Goswami, AGP for Applicant/State.

Adv. Prapti Karkera i/by Nitin V. Gangal Advocate for Respondent
Nos. 3(1) to 3(3).

Adv. Dhruti Datar, Advocate for Respondent Nos. 1, 2, 4(1) to 4(3), 6,
7 & 9

CORAM : M.M. SATHAYE, J.

DATE : 11th DECEMBER, 2023

P.C. :

1. These Applications are filed by the State for bringing
legal heirs of deceased Respondent No. 9 and deceased Respondent
No. 4/2 on record respectively.

2. Heard Learned AGP, for the Applicant/State and learned
Counsels appearing for the Respondents. It is a common ground

before the Court that the proposed legal heirs sought to be brought on record by his Applications, are already on record in the connected appeal filed by the Claimants, being First Appeal No. 2389 of 2006. Learned AGP, submits that since the proposed legal heirs are already on record of the connected Appeal, the delay is only technical and the same deserves to be condoned.

3. Considering the aforesaid facts and circumstances and averments in the Applications, sufficient cause is made out. Both the aforesaid Applications are allowed. Delay is condoned. The State is permitted to bring on record the proposed legal heirs of deceased Respondent No. 9 and Respondent No. 4/2 respectively. Necessary amendment be carried out, within a period of 3 weeks from today.

4. Place the above First Appeal under the caption of 'final hearing' along with First Appeal No. 2389 of 2006 in the week commencing from 15.01.2024.

5. All concerned to act on authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)