

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1061 OF 2020
IN
WRIT PETITION NO. 9556 OF 2018

Maruti Keraba Gade

.. Applicant

Versus

Shoba Maruti Gade and Ors.

.. Respondents

.....

- Ms. Rachana Harpale i/by Mr. Nitin P. Deshpande, Advocate for Applicant.
- Mr. Umesh H. Pawar, Advocate for Respondent No.1.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 04, 2023.

P.C.:

1. Heard Ms. Harpale, learned Advocate for Applicant and Mr. Pawar, learned Advocate for Respondent No.1 for some time.

2. This Interim Application has been filed for bringing the legal heirs of deceased Respondent Nos.11 and 15 on record. Respondent No.11 has expired on 29.07.2017 whereas Respondent No.15 has expired on 20.08.2014.

3. Perused the Interim Application. Perusal of averments reveal that the knowledge of demise of Respondent Nos.11 and 15 was gathered by the Applicant only in September, 2019 after which the present Interim Application has been filed.

4. The names of the legal heirs of deceased Respondent Nos.11

and 15 are annexed to the Application at page No.7 to the Interim Application. In the case of Respondent No.11 there is a delay of about 5 years and in the case of Respondent No.15 there is a delay of 8 years for bringing the legal heirs on record. However, the benefit of the order dated 10.01.2022 passed by the Supreme Court in Misc. Civil Application No.21 of 2022, Misc. Application No.6635 of 2021 in *Suo Motu* W.P. (c) No.3 of 2020 for suspension of the period during covid pandemic from 15.03.2020 till 28.02.2022 would also stand excluded. In that view of the matter, the delay in respect of bringing the legal heirs of deceased Respondent No.11 on record would be about 2 and $\frac{1}{2}$ years whereas the delay in respect of bringing the legal heirs of deceased Respondent No.15 would be about 5 years.

5. For the reasons mentioned in the Interim Application, I am inclined to allow the present Application subject to payment of costs of Rs.10,000/- to be paid by the Applicant to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from today. The receipt of payment shall be placed on record of the present case. Subject to compliance of the above order by the Applicant, Interim Application stands allowed in terms of prayer clauses (a) and (b).

6. Necessary amendment is permitted to be carried out within a period of two weeks only after depositing the costs. Re-verification stands dispensed with.

7. In view of the above, Interim Application stands disposed.
8. List the Writ Petition on Board on 17th February, 2023.

[MILIND N. JADHAV, J.]

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