

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

**INTERIM APPLICATION NO. 4753 OF 2023
IN
FAMILY COURT APPEAL NO. 97 OF 2014**

Rajeev Ruia	...Applicant
IN THE MATTER BETWEEN	
Rajeshri V. Mahes	... Appellant
Versus	
Mr. Mahesh Vennalakanti	...Respondent

Mr. Mehul Rathod for the Applicant.
Mr. Rohan Kadam i/b. Adv. Pankaj Batt for the Respondent.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ**

DATED : 9th JUNE, 2023

P.C.:

1. The Application is taken out by the legal heir of the Appellant, seeking condonation of delay of 356 days in causing appearance being legal heir of the Appellant. The cause cited in the Application is that the Applicant was not aware about his legal rights as to he can contest the proceedings in question by stepping into the shoes of his mother so as to claim the property owned by her.
2. Apart from above, it is also claimed that the pendency of the proceeding was not within his knowledge.

3. The aforesaid contentions are contested by learned counsel for the Respondent on the ground that ignorance of law is not a ground for condonation of delay. Mr. Kadam, learned counsel for the Respondent would urge that the Applicant has failed to demonstrate sufficient ground in support of the prayer for condonation of delay as he has failed to establish his bonafides.

4. We have appreciated the said submissions.

5. The relationship between the parties is not a disputed question of fact. The fact remains that after the death of the Appellant by virtue of the communication issued by learned counsel for the Respondent, in lieu of suggestion given by this Court, the Applicant appears to have contacted his lawyer which has prompted to take out the present Application.

6. In view of above, there appears to be sufficient cause for not taking out the proceedings for condonation of delay within the reasonable period. The bonafide cause is established by the Applicant so as to cause interference thereby ordering condonation of delay.

7. That being so the Application stands allowed. The delay stands condoned.

8. The legal heir to be substituted with the existing Appellant

within a period of three weeks failing which the order allowing the Application for bringing legal heirs and condonation of delay shall be recalled without further reference to the Court.

9. The Application is allowed subject to cost of Rs.10,000/- to be paid to the Respondent within a period of two weeks.

(SHARMILA U. DESHMUKH, J) (NITIN W. SAMBRE, J.)