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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7722 OF 2023
IN
FIRST APPEAL NO.2331 OF 2007

Smt.Parvati P. Sapkal & Ors. ...Applicants
V/s.
Raghunath P. Mane & Ors. ...Respondents

Mr.Utkarsh S. Desai with Mr.Sushant A. Khatake for the Applicants.

Mr.Manish V. Khadakbali with Mr.Anilkumar Patil for Respondent No.1.

Adv.Ishita Bhole i/b Adv.Asim S. Vidyarthi for Respondent No.3.

CORAM : RAJESH S. PATIL, J.
DATE : 14TH SEPTEMBER, 2023.

P.C. :-

1. This Interim Application is filed by the Appellants, who are original Claimants. Mr.Khadakbali, appears for Respondent No.1.

Ms.Bhole appears for Respondent No.3.

2. I have heard the advocate for the parties. I have gone through the Interim Application.

3. Advocate for the Applicants states that Applicant No.2 is dead. In the interest of justice, legal heirs of Applicant No.2 are to be brought on record as the cause of action survives. Advocate for the

Applicants states that the Applicants were not aware about the legal formalities to bring the legal heirs on record after the death of Applicant No.2. Advocate for the Applicants states that there was also change of Advocate on behalf of the Applicants. Advocate for the Applicants state that due to these reasons, Interim Application for bringing legal heirs on record was not filed immediately. The Applicants states that the delay be condoned. Advocate for the Respondents have strongly opposed this Interim Application.

4. I have heard advocate for the parties and have gone through the contents of the Interim Application. The Division Bench of this Hon'ble High Court in **Keshao Kawadu Maral & Another ..Versus.. State of Maharashtra**, reported in **2005 (supp.) B.C.R. 226**, condoned the delay of six years in filing the application of bringing legal heirs on record, relying on Supreme Court judgment of **Sardar Amarjit Singh Kalra (Died) by L.Rs. & Others ..Versus.. Pramod Gupta (Smt.) Dead) by L.Rs. And others**, reported in **(2003) 3 SCC 272**.

5. Taking into consideration the principles of law laid down in the judgments and for the reasons stated in the application, Interim Application is allowed in terms of prayer clauses (b) and (c). Amendment to be carried out within a period of three weeks from today. The Applicants are directed to pay the cost of Rs.1,000/- to the

Kirtikar Law Library within a period of three weeks from today.

6. Interim Application is accordingly disposed of.

(RAJESH S. PATIL, J.)