

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 18015 OF 2022
IN
FIRST APPEAL NO. 1080 OF 2007

4A. Vitthal Abaji Shelar (Deceased) Through ...Applicants
LRS and Ors.

In the matter between:

Nivruti Nana Shelar And Ors. ...Appellants

Versus

The State of Maharashtra ...Respondent

HUSENBASHA
RAHAMAN
NADAF

Digitally signed by
HUSENBASHA
RAHAMAN NADAF
Date: 2023.12.07
10:51:43 +0530

Mr. Ashok B. Tajane, Advocate for Applicants.

Ms. Tanaya Goswami, AGP for Respondent/State.

CORAM : M.M. SATHAYE, J.

DATE : 4th DECEMBER, 2023

P.C. :

1. Heard both sides. This is an application by legal heirs of deceased Appellant No. 4A Vitthal Abaji Shelar, who has expired on 18/08/2021. Heard learned counsel for the Applicants as well as learned AGP for Respondent.

2. At the relevant time when deceased died, the period of limitation was under suspension, under the Orders of the Hon'ble Supreme Court, which extended between 15/03/2020 to 28/02/2022. In paragraph 8, the dates are explained and it is stated that considering this suspension of limitation, the time to file present application expired on 29/05/2022. In that view, there is delay of

about 37 days in filing present application.

3. No reply is filed to this Application, till date.

4. Considering averments in the application, especially in paragraph 8 thereof, sufficient cause is made out. Hence, this Application is allowed in terms of prayer clauses (a), (b) and (c). Delay is condoned. Applicants are permitted to be brought on record as Appellant Nos. 4A-1 to 4A-3. Necessary amendment to be carried out within a period of two weeks from today in the main Appeal as well as in pending application/s.

5. Interim Application is disposed off. All concerned to act on authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)