

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

**INTERIM APPLICATION NO.18704 OF 2022
IN
SECOND APPEAL NO.472 OF 2018**

Mrs. Alka Mahadev Shelke and Ors. ... Appellants
Versus
Namdev Sadu Pokale and Ors. ... Respondents

Mr. Abhijit Kadam i/b. Mr. U.B. Nighot, for the Applicants/ Appellants.
Ms. Aishwarya Khanolkar i/b. Advocate S. Masal, for the Respondent No.2.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 18th JANUARY 2023**

P.C. :

1. Heard Mr. Kadam, learned counsel appearing for the Applicants/Appellants and Ms. Aishwarya Khanolkar, learned counsel appearing for Respondent No.2.
2. Application is taken out to bring on record the legal heirs of deceased Respondent No.12. There is delay of more than 3 years in filing the Application.
3. Ms. Kadam submitted that sufficient reasons are given and therefore, Interim Application be allowed. However, Ms. Aishwarya Khanolkar, learned counsel for the Respondent No.2 strongly opposed

Pallavi

the application. She submitted that proper reasons are not given in the Interim Application.

4. However, perusal of the application shows that this Court has issued notice to the Respondents on 5th March 2020 and when the said notice was sought to be served on Respondent No.12, the same returned back with remark that Respondent No.12 has passed away and therefore, the Applicants came to know about the death of Respondent No.12. Therefore, sufficient reasons are given for delay condonation. Therefore, for the reasons set out in the application, the same is allowed in terms of prayer clauses (a), (b) and (c). Amendment be carried out within a period of three weeks from today. Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]