

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 266 OF 2023

IN

WRIT PETITION NO. 4463 OF 2019

Gracy John Tone & Ors.

.. Applicants

In The Matter Between:-

Alexander George Tone & Ors.

.. Petitioners

Versus

The Stone Castle CHS Ltd

.. Respondent

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- Mr. Sanjiv Sawant a/w Mr. Abhishek Matkar & Mr. Malhar Bageshwar i/by Mr. Ashwin Jajal for Applicants
 - Mr. Pankaj R. Thatte for Respondent Nos. 1, 3 and 4
 - Ms. Kajal Gupta i/by Mr. Yatin R. Shah for Respondent Nos. 5(1)(a) to 5(1)(c) and 5(2)(a)
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 10, 2023

P.C.:

1. Heard Mr. Sawant, learned Advocate for Applicants; Mr. Thatte, learned Advocate for Respondent Nos. 1, 3 and 4; and Mr. Gupta, learned Advocate for Respondent Nos. 5(1)(a) to 5(1)(c) and 5(2)(a).

2. Interim Application is filed for bringing the legal heirs of deceased Petitioner No. 2 on record. The names of legal heirs are mentioned in cause title of the Application.

3. Mr. Sawant, learned Advocate for Applicants would contend that there is delay of 171 days. However, Mr. Thatte, learned Advocate for Respondent Nos. 1, 3 and 4 refuted the same and submitted that delay

is to the extent of 472 days.

4. Be that as it may, considering the date of demise of Petitioner No. 2 and the extant orders in Suo Motu Writ Petition passed by the Supreme Court in respect of limitation, delay is negligible and deserves to be condoned.

5. In view of the above, for the reasons mentioned in the Application, the same is allowed and disposed of in terms of prayer clauses (a), (b) and (c). Amendment to be carried out within two weeks from today. Re-verification is dispensed with. Copy of the amended cause title be served on the other side.

6. As this matter pertains to deemed conveyance, place the Writ Petition on 21st January, 2023 on which date deemed conveyance matters shall be heard.

[MILIND N. JADHAV, J.]

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