

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 17823 OF 2023
IN
INTERIM APPLICATION (ST) NO. 97230 OF 2020
IN
FIRST APPEAL NO. 779 OF 2005

Shri Mohit Chandrakant Gadhi ... Applicant/Appellant

IN THE MATTER BETWEEN

Ichalkaranji Municipal Council ... Appellant

V/s.

Shri Dhanesh Champalal Gandhi & ... Respondents
Ors.

Advocate N. Vora I.by Mr. Vinod Sangvikar for the Appellant in appeal/
779/2005.

Mr. A.R. Patil, AGP for the State.

Mr. Manoj Patil, for appellant in IA/17823/2023

CORAM : KISHORE C. SANT, J.

DATE : 8TH JANUARY 2024.

PC:

1. This application is filed by the heirs i.e. grandson of deceased Motibai Champalal Gandhi, i.e. respondent no.3 in the First Appeal. This Motibai Champalal Gandhi died on 29th July 2010 and other heirs are already on record. As respondent nos. 1 and 2, the present applicants claims to have succeeded the interest of deceased Motibai, which is shown at 'Exhibit-B' dated 10.05.2010 as 'Vevastha

Patra’.

2. Since earlier application was dismissed for non-removal of the office objections, this application is filed wherein delay of 1 year 327 days is caused in filing the present application may be condoned in the interest of justice. However, looking to the nature of the application, the application is allowed. The delay is condoned. Interim Application No.17823 of 2023 stands allowed and disposed off.

4. The matter be restored to its original state. The learned advocate for the applicant shown legal heirs of respondent no.3, deceased Motibai by amending cause title to the application within three weeks from today.

(KISHORE C. SANT, J)