

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.663 OF 2024
WITH
SECOND APPEAL NO.784 OF 2015

Shri. Vishnu Khanderao Davange

...Applicant

Versus

Shri. Ramchandra Jaggnath Davange

...Respondent.

Adv. Rukmini Khairnar i/b Proamod Joshi for the Applicant.
Adv. Lisa Das i/b Jay & Co. for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : March 26, 2024.

P. C. :

1. Heard.
2. Interim Application has been preferred for bringing on record the legal heirs of deceased sole Respondent and for condonation of delay caused in filing the Application.
3. Learned counsel for the Applicant would submit that Applicant learnt about the death of Respondent No.1 recently after taking search of the revenue records. She would further submit that despite the pendency of the present Appeal no information about the death of the Respondent No. 1 was conveyed to the Applicant and thus,

there is a delay which is properly explained.

4. Per contra, learned counsel for the proposed legal heirs of deceased sole Respondent No.1 opposes the Application and submits that the Respondent No. 1 has expired in the year 2016 and the Application is taken out after considerable delay.

5. Learned counsel for the proposed Respondents is unable to point out any communication by which the Applicants were informed about the death of the Respondent No. 1. The Appeal is of the year 2015 and as the Appeal was pending, it was incumbent upon the legal heirs of the Respondent No.1/ Advocate for the Respondent to inform the Advocate for the Appellant about the death of the Respondent so that appropriate Application could be taken. The Application pleads that the Applicant acquired knowledge about the death of the Respondent recently and as such, filed the Application.

6. For the reason stated in the Application, the delay is condoned and the abatement is set aside.

7. Interim Application stands allowed. Amendment to be carried out within a period of two weeks from today.

[Sharmila U. Deshmukh, J.]