

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

**INTERIM APPLICATION NO.6344 OF 2024
IN
FIRST APPEAL NO.1122 OF 2019**

Bhitika Subrato Kumar Sen ..Applicant

IN THE MATTER BETWEEN

Bhitika Subrato Kumar Sen & Anr. ..Appellants

Versus

Mrs. Anita Mohankumar (Nee Anita Sen) & Ors. ..Respondents

Mr. Pravin G. Pillay, for the Applicant/Appellants.

Mr. Akshay J. Kandarkar a/w Umesh Iyer, for the Respondent Nos.1
to 3.

CORAM : KISHORE C. SANT, J.

DATE : 7th MARCH, 2024

PC.

1. This Application is moved for bringing on record legal heirs of deceased Respondent No.2, namely Sukhada Manjrekar (Nee Nivedita Sen), who died on 17.09.2023. The Application is filed after receiving intimation from learned advocate for Respondent No.2 who appears for Respondents. It is submitted that as such, there is no delay in filing Application.

2. Learned advocate for the Respondents submits that Application ought to have been filed within 90 days from the date of death of the Respondent No.2. He therefore objects that there is no prayer for condonation of delay.

3. Heard the parties.
4. In paragraph 4 of the Application, it is stated that the Applicant received intimation of death of Respondent No.2 on 29.01.2024 and thereafter Application was filed on 16.02.2024 and as such, there is no delay.
5. Considering this fact, this Court thinks proper to allow the Application. The Application is allowed and disposed of.
6. Necessary amendment in cause title be carried out within two weeks from today.
7. Fix the Appeal for admission after four weeks.

[KISHORE C. SANT, J.]