



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15725 OF 2023
IN
REJECTED CASE NO. 1615 OF 2017

Appaso Laxman Patil and Others. ...Appellants.

Versus

Shankar Ramchandra Patil

Since deceased through legal heirs :

and Others.

...Respondents.

Mr. G. B. pawar for the Appellant.

Mr. Nagesh Chavan for the Respondent nos. 1A to 1C.

Coram : Sharmila U. Deshmukh, J.

Date : April 12, 2024.

P. C. :

1. Heard.
2. Interim application has been preferred for bringing on record one of the legal heirs of deceased respondent no.1D and for condonation of delay of 2055 days caused in filing the application.
3. Learned counsel appearing for the appellant submits that the respondent expired on 24th June 2021 leaving behind him surviving his widow and sons as the legal heirs. He submits that inadvertently the

name of widow of the original respondent remained to be mentioned in the interim application. He would further submit that the application came to be allowed by order dated 25th July 2022 and amendment was carried out impleading the sons. He submits that subsequently it was realised that the widow being the legal heir was required to be brought on record and thus the present application was filed.

4. *Per contra* learned counsel appearing for the respondent nos. 1A to 1C and also for proposed respondent no. 1D would submit that no sufficient cause has been shown for colossal delay of 2055 days. He would oppose the application and would submit that incorrectly respondent no 2 and 3 have also been brought on record as legal heirs.

5. The legal heirs of deceased Respondent, namely, Respondent no. 1A to 1C were permitted to be added vide order dated 25th July 2022. Thus, except the widow, the other legal heirs are already on record and the appeal had not abated as the sons were already brought on record. As the other legal heirs were already brought on record, the explanation for not bringing on record the widow of the deceased Respondent cannot be said to be improbable. Sufficient cause is shown for the delay in bringing the widow of deceased on

record.

6. For the reasons stated in the application, application is allowed and the delay is condoned. Abatement, if any, is set aside. Amendment to be carried out within two weeks from today.

7. Application stands allowed.

[Sharmila U. Deshmukh, J.]