

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14265 OF 2023
AND
INTERIM APPLICATION NO.14263 OF 2023
IN
SECOND APPEAL NO.1131 OF 2012

Rajesh A. Ambolkar and Ors. ...Applicant

In the matter between

Srikrishna Aaba Amolkar & Ors. ...Appellants

Versus

Ulhas Damodar Ambolkar & Ors. ...Respondents

Mr. Sanskar Marathe for the Appellant.

Mr. Dileep Satale i/b Mr. Harshad Bhadbhade for Respondent Nos.1 to 4.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 4th MARCH, 2024

P. C. :

INTERIM APPLICATION NO.14265 OF 2023

1. Interim application has been preferred for bringing on record legal heirs of deceased-appellant No.1 and for condonation of delay of 68 days caused in preferring the application.

2. Learned counsel appearing for the appellant submits that the appeal has already been admitted and the legal heirs of deceased appellant No.1 had not informed the advocate for appellant about death of

appellant No.1

3. *Per contra*, learned counsel appearing for the respondent would submit that there is a contradiction in paragraph 3 of the Interim Application as it is mentioned therein that the rituals got over in the month of November -December 2019 whereas the appellant No.1 has expired in 2022. Be that as it may. It appears that inadvertently the pleadings have been incorporated in the present Interim Application.

4. Considering that the appeal is already admitted, the reasons set out in the application for condonation of delay is accepted. Delay of 68 days is condoned. Interim application is allowed. Amendment to be carried out within a period of two weeks from today.

INTERIM APPLICATION NO.14263 OF 2023

5. Interim application has been preferred for bringing on record legal heirs of deceased-appellant No.2 and for condonation of delay of 3 years and 161 days caused in preferring the Application.

6. It is pleaded that the appellant expired in 2019 and subsequently due to Covid restrictions there was loss of communication between advocate for the appellant and legal heirs and thus there is delay of 3 years and 161 days in filing the application.

7. Learned counsel appearing for the Respondent would submit

that no sufficient cause has been shown for condoning the delay.

8. As it cannot be disputed that during the relevant period the lockdown was imposed in the Country due to Covid Pandemic, the explanation put forth is plausible explanation. I am thus inclined to allow the Interim Application and to condone the delay. Delay of 3 years and 161 days is condoned. Interim Application is allowed. Amendment to be carried out within a period of 2 weeks from today.

(SHARMILA U. DESHMUKH, J.)