

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

INTERIM APPLICATION NO. 14031 OF 2023

In

WRIT PETITION STAMP NO. 34443 OF 2017

Sukumar Bhupal Kumbhar Since

Decd. Thr Lrs

....Petitioner

V/S

Jamir Babu Bagwan And Ors.

....Respondent

WITH

CIVIL APPLICATION IN WP NO. 41 OF 2023

In

Writ Petition STAMP NO. 34443 OF 2017

Jamir Babu Bagwan

....Applicant

V/S

Sukumar Bhupal Kumbhar And Ors

....Respondents

WITH

INTERIM APPLICATION NO. 14032 OF 2023

In

Writ Petition STAMP NO. 34443 OF 2017

Sukumar Bhupal Kumbhar Since

Decd. Thr Lrs

....Petitioner

V/S

Jamir Babu Bagwan And Ors.

....Respondents

Adv. Yogesh P. Morbale for the Applicant.

Adv. Pallavi Karanjkar h/f. Adv. Sandeep Koregave for Respondent
Nos. 1A, 1D, 1E & 2.

CORAM : RAJESH S. PATIL, J.

DATED : 04 APRIL 2024

PC.:

INTERIM APPLICATION NO. 14031 OF 2023

1. This Interim Application is filed for restoration and for recalling the order dated 22 October 2018 passed by the Registrar Judicial-I.
2. Heard. I have gone through the contents of the application. I am satisfied that the Appellant has made out a case to condone the delay. Hence, Application is allowed in terms of prayer clause (b) and (c).
3. Interim Application is accordingly disposed of.

INTERIM APPLICATION NO. 14032 OF 2023

1. This Interim Application is file to bring on record the legal heirs of sole petitioner and respondent no.1. There is some delay in filing this application.
2. Ms.Karanjkar undertakes to file his Vakalatnama on behalf of the proposed legal heirs of deceased respondent no.1. She has no objection if the present application is allowed.
3. The Division Bench of this Hon'ble High Court in

Keshao Kawadu Maral and another Versus State of Maharashtra, reported in *2005 (supp.) B.C.R. 226*, condoned the delay of six years in filing the application of bringing legal heirs on record, relying on Supreme Court judgment of *Sardar Amarjit Singh Kalra (Died) by Lrs and others Versus Pramod Gupta (Smt.) Dead* by *Lrs. And others*, reported in *(2003) 3 SCC 272*.

4. Relying upon the ratio laid down in the above judgments and for the reasons stated in the application, the Interim Application is allowed in terms of prayer clauses (b) (C) and (c).

5. Amendment to be carried out within two weeks from today.

6. Applicant is directed to pay a cost of Rs.5,000/- to the Kirtikar Law Library and the said amount to be paid within a period of two weeks from today.

(RAJESH S. PATIL, J.)