

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

**INTERIM APPLICATION NO. 15283 OF 2023
IN
FIRST APPEAL NO. 233 OF 2013**

Santosh Ramdular Pathak And Anr	...Applicants/ Appellants
Versus	
Badriprasad Sukhdeo Yadav And Anr	...Respondents

Ms. Daksha A. Parmar a/w Poonam Rajbhar i/b Rajendra Mishra for
the Applicants.

Mr. Vasm Siddiqui i/b Kunal Bhanage for the proposed Respondent.

**CORAM : M.M.SATHAYE J.
DATE : 29th JANUARY 2024**

PC. :

1. Heard learned counsel for the parties. This is an application by the Applicants/Appellants for bringing legal heirs of deceased Respondent No. 2 (Prabhakar Ramchandra Surve) on record and for condonation of delay in filing this application. It is filed on 04.09.2023. Proposed legal heirs are represented by their advocate. No reply is filed till date.

2. The deceased/ Respondent No. 2 expired on 09.07.2022 and it is submitted that the death was informed to the Applicants by an Advocate's letter dated 10.08.2023 and thereafter the application has been filed immediately and as quickly as possible. Copy of said letter

is produced on record.

3. Considering the extent of delay and the un-controverted averments in the application about not having knowledge of the death till August 2023, sufficient cause is made out.

4. Interim Application is allowed in terms of prayer clause (a) to (c). Delay is condoned. Applicants are permitted to bring legal heirs of Respondent No. 2 on record. Necessary amendment be carried out within a period of 3 weeks from today.

5. All concerned to act on duly authenticated/digitally signed copy of this order.

[M.M.SATHAYE,J.]