

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

**INTERIM APPLICATION NO.19 OF 2024
IN
CIVIL REVISION APPLICATION NO.468 OF 2019**

Mahendra Popatlal Shah since
deceased through his Legal Heir and
representative:-

1. Nikhil Mahendra Shah

...Applicant

Versus

Ramkrishna N. Pai (since deceased)
1(a) Laxmi R. Pai, Wd of Mr. R.N.
Pai and Ors.

...Respondents

...

Mr. Rohan Surve *for the Applicant.*
None for the Respondents.

CORAM : SANDEEP V. MARNE, J.

DATED : 26 APRIL 2024.

PC:

1. By this application, the Applicant seeks substitution as legal heir and representative of the Revision Applicant. There is delay of 340 days in filing the application.

2. Perusal of the application would indicate that the deceased Revision Applicant has two heirs-Nikhil and Samir. It is pleaded in the application that both the brothers were unable to come together to file joint application for bringing legal representatives of the deceased Revision Applicant. That some time

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was spent in getting consent of Respondent No.3 for the purpose of lodging the present application. The application has been filed once making sure that Respondent No.3 was not inclined to file a joint application with the Applicant.

3. Considering the averments made in the application, I am of the view that delay in filing the application deserves to be condoned and abatement of the Revision Application deserves to be set aside. The Interim Application is accordingly allowed. The Applicant is permitted to be brought on record as legal representative of the deceased Applicant. Necessary amendment to be carried out within a period of four weeks from today. Re-verification is dispensed with.

4. Interim application stands disposed of.

[SANDEEP V. MARNE, J.]