

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9103 OF 2024

INTERIM APPLICATION NO. 9104 OF 2024

INTERIM APPLICATION NO. 9105 OF 2024

INTERIM APPLICATION NO. 9109 OF 2024

INTERIM APPLICATION NO. 9108 OF 2024

IN

SECOND APPEAL ST NO. 1829 OF 2022

Babu B. Ghevade Deceased Thr.
LRs Chandrabai B. Ghevade
Decd. Thr. LRs Krishna B. Ghevade
and ors

.....Applicants

Vs.

Sitaram Mahadev Parulekar Decd.
Thr. LRs

.....Respondents

Mr. Sugandh B. Deshmukh a/w Mr. Irvin D'souza Advocate for the
Applicants

CORAM : GAURI GODSE, J.

DATE : 21st OCTOBER 2024

ORDER:

1. This application is for condonation of delay of 4 years and 208 days in filing the second appeal. Learned counsel for the applicants submits that this Court vide order dated 15th March 2018 in Writ Petition No. 4608 of 2016 had permitted the parties to lead evidence

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2024.10.23
12:54:36
+0530

before the first Appellate Court. He submits that the writ petition was challenged by the present appellant recalling the dismissal order and restoring the first appeal filed by respondent no. 1. He submits that before implementing this order permitting the parties to lead evidence, the first appeal was decided by way the impugned order. He thus submits that apart from other questions which are raised in the appeal memo, the main question to be decided in the second appeal would be the effect of the order dated 15th March 2018 passed by this Court, on the proceedings before the first Appellate Court.

2. He submits that the reasons for the delay in the present second appeal are explained in paragraph 16 onwards.

3. In view of the aforesaid submissions, issue notice to the respondents, returnable on 4th February 2025.

4. Since there are applications for bringing on record names of heirs and legal representatives of appellant nos. 1, 5 and 6 and respondent no. 1, office is directed to issue notice to heirs and legal representatives of appellant nos. 1, 5 and 6 and respondent no. 1 in the respective applications.

5. Notices are made returnable on 4th February 2025.

6. In addition to Court notice, learned advocate for the applicants shall serve the respondents by private notice and file affidavit of service before the next date.

[GAURI GODSE, J.]