

rrpillai

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 6307 OF 2024
IN
SECOND APPEAL(ST) NO. 32996 OF 2023**

Kavita Sudhakar Phand ... Applicant

Vs.

Sukhdeo Gendeo Mule ... Respondents
since deceased through LRS

Mr. Hrishikesh Shinde for the Applicant

CORAM : GAURI GODSE, J.

DATE : 10th SEPTEMBER 2024

ORDER :

1. This application is for condonation of delay of 512 days in filing the Second Appeal. Learned counsel for the applicant submits that due to ill health of the applicant she was unable to take immediate steps to file the Second Appeal. Learned counsel further submits that the reasons for the delay and the steps taken by the applicant to file the Second Appeal are explained in paragraphs 3 and 4.

2. Though served, none appears for the respondent. There is no opposition to the reasons stated in the application.

3. Considering the reasons stated in the application regarding ill health of the applicant, reasons for condonation of delay are accepted.
4. Hence for the reasons stated in the application delay is condoned and the application is allowed in terms of prayer clause (a).
5. Learned counsel for the applicant seeks leave to amend the Second Appeal to place on record the copy of order passed by the First Appellate Court permitting impleadment of respondent nos. 1A and 1B as heirs and legal representatives of deceased plaintiff and add the grounds of challenge. Leave granted. Amendment to be carried out within three weeks.
6. List the Second Appeal under the caption for "Urgent Admission" on 15th October 2024. Till next date, the further proceeding in the execution application shall remain stayed.
7. If any possession warrant is issued, the same shall not be executed till the next date.

[GAURI GODSE, J.]