

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 6697 OF 2024

IN

FIRST APPEAL (ST) NO. 5211 OF 2024

WITH

INTERIM APPLICATION (ST) NO. 5213 OF 2024

IN

FIRST APPEAL (ST) NO. 5211 OF 2024

WITH

INTERIM APPLICATION (ST) NO. 5214 OF 2024

IN

FIRST APPEAL (ST) NO. 5211 OF 2024

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Madhukar Tanaji Devade (Deceased) through LRs ...Applicants

Savita Madhukar Devade & Ors

IN THE MATTER BETWEEN

Madhukar Tanaji Devade (Deceased) through LRs ...Appellants

Savita Madhukar Devade & Ors

Versus

Manohar Khandu Karbal ...Respondent

Mr Vijay Garad, *for the Applicants.*

CORAM: ARIF S. DOCTOR, J

DATED: 19th December 2024

PC:-

INTERIM APPLICATION (ST) NO. 5213 OF 2024.

1. The present Interim Application is filed for condonation of delay in filing the captioned First Appeal. Though the Respondent is served, has not entered appearance. Hence, the Interim Application is taken up for hearing.

2. Heard Mr Garad for the Applicants, who points out that the Applicants are the legal heirs of Mr Madhukar Devade, who was the Defendant in the Suit, from which the First Appeal has arisen. He has invited my attention to the averments made in the Interim Application, basis which he seeks condonation of delay.

3. Having due regard to the submissions made, in particular, paragraphs 4 and 5, I deem it fit to allow the present Interim Application, in terms of prayer clause (a), which reads as follows:

“(a) This Hon’ble Court may be pleased to condone the delay of 2 years and 28 days to file First Appeal No. of 2024.”

4. The Interim Application is disposed of.

INTERIM APPLICATION NO. 6697 OF 2024.

5. The present Interim Application is filed for condonation of delay caused in bringing on record the legal heirs of the deceased Appellant. Though the Respondent is served, has not entered appearance. Hence, the Interim Application is taken up for hearing.

6. Having heard the Learned Counsel and after perusing the record, I deem it fit to allow the present Interim Application, in terms of prayer clause (a), which reads as follows:

“(a) This Hon’ble Court be pleased to condone the 02 years 348 days delay caused in bringing on record the legal heirs of deceased Appellant (Ori. Defendant) and allow the Applicants to bring on record the heirs and legal representatives of the deceased Appellant (Ori. Defendant) in above said First Appeal.”

7. Amendment to be carried out on or before 22nd January 2025.

FIRST APPEAL (L) NO. 5211 OF 2024.

8. List the First Appeal along with other pending Interim Application, if any, for hearing on 29th January 2025.

(ARIF S. DOCTOR, J)