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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.10333 OF 2024
IN
CIVIL APPLICATION NO. 237 OF 2020
WITH
INTERIM APPLICATION 15787 OF 2024
IN
SECOND APPEAL (ST) NO. 6835 OF 2019**

Sudeshkumar Gupta ... Applicant

Vs.

Balu Undrya Gharat Deceased

Through his Legal Heirs ... Respondent

Mr. V.R. Kasle i/by Ram & Company, for the Applicant.

CORAM : GAURI GODSE, J.

DATE : 16th DECEMBER 2024

ORDER :

Interim Application No. 10333 of 2024

1. This application is for restoration of civil application for condonation of delay in filing the Second Appeal. The learned counsel for the applicant submits that since steps were not taken to bring on record the legal heirs and representatives of the sole respondent, the application for condonation of delay was dismissed.

2. He further submits that Interim Application No. 15787 of 2024

is filed for bringing on record names of heirs and legal representatives of the deceased-respondents. He further submits that as per order passed by this Court, Interim Application No. 10333 of 2024 is also amended to show the names of heirs and legal representatives of the deceased-respondents.

3. The application is e-filed, however, the office has not shared the soft copy of the application. The printout of the Interim Application No. 10333 of 2024 placed before me does not contain any amendment. The learned counsel for the applicant has tendered the amended copy of the Interim Application No. 10333 of 2024 which is taken on record.

4. Since the applicant has filed a separate application for bringing on record names of heirs and legal representatives of the deceased-respondents, the office objections stands removed.

5. Hence, in the facts and circumstances of the case, the delay is condoned and the Interim Application No. 10333 of 2024 is allowed in terms of prayer clause (a), (b) and (c). The Civil Application No. 237 of 2020 is restored.

6. The learned Counsel for the Applicant seeks time to point out whether the second appeal raises any substantial question of law.

7. By way of last chance to the applicant, list the Civil Application No. 237 of 2020 on 7th March, 2025.

8. Copy of this order to be forwarded to the Learned Register (Judicial-I) and the learned Registrar CPC.

[GAURI GODSE, J.]