

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.11882 OF 2024.

IN

FIRST APPEAL (ST) NO.16450 OF 2019.

Meena Bipin Kamdar and Ors.

...Applicants

In the matter between:

Mr. Bipin Chunilal Kamdar (FIFADARA)

...Appellant.

Versus

Mr. Bhupendra Chunilal Kamdar (FIFADARA)

And Ors.

...Respondents.

Ms. Sapna Krishnappa for the Appellant.

Ms. Vrushali Parab i/b Mehul Shah for the Respondents.

Coram : Sharmila U. Deshmukh, J.

Date : 27th August, 2024.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 38 days caused in preferring the Application for bringing on record legal heirs of deceased Respondent.
2. Learned advocate appears for the proposed Respondents and objects the application contending that the fact of death of respondent No.1 was known to the applicant. However despite thereof Application was not taken out within time and there is delay of 38 days.

3. In paragraph No.4 there is specific avernment made by the applicant that the legal heirs were not brought on record as there were talks of settlement and delay is only of 38 days and not such a colossal delay so as to prejudice the proposed respondents. Appeal is pending admission since 2019.

4. For the reasons stated in the Application, delay of 38 days is condoned. Amendment to be carried out within a period of two weeks.

[Sharmila U. Deshmukh, J.]