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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 15018 OF 2024
IN
SECOND APPEAL NO. 500 OF 1996**

Chandrabhas Kisanrao Jadhav and Others	...	Appellants
Vs.		
Jagannath Ganpati Mundhe and Others	...	Respondents
and		
Sangram Kisanrao Jadhav and Anr.	...	Applicants
		Prop. Appellant nos.
		2(a) to 2(b)

Ms. Mahalakshmi Ganpathy for the Applicants.

Mr. Sumedh Modak i/b. Mr. Vijay Killedar for Respondent.

CORAM : GAURI GODSE, J.

DATE : 28th NOVEMBER 2024

ORDER :

1. Office has not placed the copy of the application either in soft copy form or hard copy. Learned counsel for the applicant has tendered the original interim application which is taken on record.
2. This application is for bringing on record names of appellant nos. 2(a) to 2(b) as heirs and legal representatives of deceased appellant no. 2. Learned counsel for the applicant seeks leave to amend the added prayer for setting aside abatement. Leave granted. Amendment to be carried out forthwith.

3. Learned counsel for the contesting respondent no. 1 i.e. original plaintiff opposes the condonation of delay on the ground that there is a huge delay of 16 years. He submits that though the delay is of 16 years no satisfactory explanation is given for condonation of delay. He submits that reasons given in the application is not believable.

4. I have perused the application. The reason given in the application that the applicant is unaware about the procedure, is not unbelievable. The application explains the steps taken to file this application.

5. Learned counsel for the appellants submits that the appellants would pay a cost of Rs.5000/- to respondent no. 1. She submits that the amount of cost shall be paid to the learned Advocate for respondent no. 1 within one week from today.

6. Respondent no. 1 is the only contesting respondent in whose favour there is a decree for possession. The remaining respondents are the original defendants who have not challenged the impugned decree. Hence, notice of this application to the remaining respondents is not necessary.

7. In the facts and circumstances of the case delay is condoned and the application is allowed in terms of clause (a) and (b).

8. Learned counsel for the appellants states that she will take necessary steps as against deceased and unserved respondents, within a week.
9. List the Second appeal on 12th December 2024.

[GAURI GODSE, J.]