

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

INTERIM APPLICATION NO. 1742 OF 2022

IN

TESTAMENTARY SUIT NO. 69 OF 2014

Mansingh Hanutmal Baid

...Deceased

Tejsingh Mansingh Baid

...Applicant/Petitioner

Versus

Bijaysingh Mansingh Baid & Anr.

...Defendant / Caveator

• Adv. R.R. Varma, for Applicant/Plaintiff

CORAM : MANISH PITALE, J

DATE : 11th JANUARY, 2024.

P. C. :

1. Heard learned counsel for the applicant.
2. By this application, the applicant seeks to bring on record legal representatives of deceased defendant No. 1, who expired on 07th March, 2021, during the pendency of the present proceedings. The details of the legal heirs of defendant No. 1 are given in paragraph No. 3 of the application. It is stated that they have been served with papers and an affidavit of service is ready. The affidavit of service is tendered by the learned counsel for the applicant and it is taken on record.
3. It is stated that delay in moving the present application has occurred on account of the fact that the death of the defendant

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No. 2 took place during the covid-19 pandemic period. It is submitted that therefore, this Court may consider condoning the delay and allowing the applicant to carry out necessary amendment, as per schedule given at Exhibit "B".

4. This Court has perused the material on record. In the interest of justice, the delay deserves to be condoned and the application deserves to be allowed.

5. In view of the above, the application is allowed in terms of prayer clauses (a) and (b).

6. Consequential amendments be carried out within three weeks from today. Re-verification is dispensed with.

7. The application stands disposed of.

(MANISH PITALE, J.)