

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.12652 OF 2023
IN
SECOND APPEAL (ST) NO.10026 OF 2023

Vishnu Shivram Bendre ...Applicant

IN THE MATTER BETWEEN:

Shivram Govind @ Babu Bendre (deceased)
through his legal heirs

A) Vishnu Shivram Bendre & Ors. ...Appellants

Versus

Krishna Daji Bendre (deceased)
through his legal heirs

1-1) Dipak Krishna Bendre & Ors. ...Respondents

Mr. Irvin Dsouza a/w. Mr. Aniket Kanawade i/b. Mr. Sugandh Deshmukh, for the Applicant.

Mr. Vaibhav Thorve, for the Respondents (Except Respondent Nos.1 and 28).

CORAM: MADHAV J. JAMDAR, J.

DATED : 15th JULY 2025

P. C.:

1. This Interim Application is taken out for condonation of delay of about 4 years 6 months and 6 days in filing the Second Appeal.

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2. Learned Counsel appearing for the Respondents strongly opposes the Interim Application.

3. However, perusal of the factual position shows that after passing of the Judgment and Decree of the learned Appellate Court, on 29th February 2012, the Appellants have filed Review Application, which was dismissed on 19th November 2022 and thereafter, the present Interim Application has been filed on 23rd March 2023. There is explanation also given for delay from 19th November 2022 to 23rd March 2023.

4. Accordingly, for the reasons set out in the Interim Application, the same is allowed in terms of prayer clause (A).

5. The Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]