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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 9892 OF 2024
INTERIM APPLICATION NO. 9893 OF 2024
INTERIM APPLICATION NO. 9894 OF 2024
IN
SECOND APPEAL NO. 730 OF 2011**

Ananda Nana Patil and Others ... Applicants/Appellants
Vs.
Soanabai W/o. Pandurang Patil ... Respondents
and Others

Mr. Vinay Manohar Bhate for the Applicants.

Ms.Sairuchita Chowdhary h/f. Mr. Shekhar Jagtap i/b. J.Shekhar Associates.

CORAM : GAURI GODSE, J.

DATE : 7th APRIL 2025

ORDER :

1. All these applications are for bringing on record names of heirs and legal representatives of the deceased parties and for restoration of the second appeal. The second appeal is dismissed for non-prosecution on 25th January 2024.

2. Interim Application No. 9893 of 2024 is filed for bringing on record names of heirs and legal representatives of deceased respondent nos. 1 and 2.

3. Interim Application No. 9894 is filed for bringing on record names of heirs and legal representatives of deceased appellant nos. 1, 2, 3 and 5.

4. Interim Application No. 9892 is for delay condonation and restoring the second appeal. There is a delay in both the applications for bringing on record names of heirs and legal representatives of deceased parties. The heirs and legal representatives of deceased respondent nos. 1 and 2 are served and are represented through Advocate.

5. Learned counsel for the appellant submits that the appellants would pay an amount of Rs.5000/- towards cost to the respondents.

6. In the facts and circumstances of the case all the three applications are allowed. The appellants are permitted to bring on record names of heirs and legal representatives of deceased appellant nos. 1, 2, 3 and 5 and names of heirs and legal representatives of respondent nos. 1 and 2 as per the names of the proposed parties mentioned in the respective interim applications.

7. In the facts and circumstances of the case delay in all the applications is condoned and abatement, if any is set aside. The applications are allowed in the aforesaid terms subject to the

appellants making payment of cost of Rs.5000/- to the heirs and legal representatives of respondent nos. 1 and 2 within four weeks from today. The amount of cost shall be handed over to the learned Advocate appearing for the heirs and legal representatives of respondent nos. 1 and 2.

8. Amendment to be carried out with four weeks.

9. Subject to making payment of cost as directed above and subject to carrying out amendment within four weeks from today, the second appeal shall stand restored to file.

10. Since the second appeal was already on final hearing board, office is directed to add the second appeal to the weekly final hearing board in June 2025, subject to compliance of aforesaid directions.

[GAURI GODSE, J.]