

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 19009 OF 2022.

IN

FIRST APPEAL NO. 712 OF 1992.

Somshanakar Mallikarjun Deshmukh ...Applicant.

IN THE MATTER BETWEEN

Chimnabai Mallikarjun Deshmukh ... Appellant

Versus

The State of Maharashtra & Ors. ...Respondent.

Mr. Shrishail Sakhare for the Appellant.

Mr. A. R. Patil AGP for the State.

Coram : Sharmila U. Deshmukh, J.

Date : January 6, 2025.

P. C. :

1. Not on board. Mentioned. Taken on board.
2. Interim Application has been preferred for bringing on record the legal heirs of the deceased Appellant and for condonation of delay of 20 years and 15 days caused in preferring the Interim Application.
3. Learned Counsel appearing for the Applicant would submit that parents of the Applicant expired long back and even his brother and sister had expired and the Applicant is the sole legal heir of the deceased Appellant. He submits that as the First Appeal was admitted

there was no communication with the earlier Advocate earlier and subsequently the Advocate expired and he was unaware as to whether the earlier advocate had brought the legal heirs on record. He submits that when he tried to contact the concerned department, he was informed that all the papers annexed to the First Appeal are destroyed after four years as per the rules.

4. In light of the above, there has been delay in filing the present Application for bringing the legal heirs on record. The explanation which has been tendered is sufficient to set aside the abatement and condone the delay.

5. In light of the above, the Interim Application is allowed. Amendment to be carried out within a period of three weeks from today.

6. List the above First Appeal on the final hearing board of **31st January 2025.**

[Sharmila U. Deshmukh, J.]