

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.30089 OF 2022

IN

SECOND APPEAL NO.764 OF 2007

Shri. Bapu Govind Sawant

(Decd.Thr.Lrs) Shri Sampat Bapu Sawant & Ors. ...Applicants

In the matter between:

Shri. Bapu Govind Sawant

(Decd.Thr.Lrs) Shri Sampat Bapu Sawant & Ors. ...Appellants

Versus

Sou. Housabai @ Kamalabai

(Decd.Thr.Lrs) Yeshwant Bhimrao Patil & Ors. ...Respondents

Mr. Bhushan Walimbe, for the Applicants.

Mr. Vikas M. Mali a/w Mr. Sachin M. Bhavar, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.

DATED: 16th JULY 2025

P.C.:

1. The Interim Application is taken out to bring on record legal heirs and representatives of deceased Respondent No.1, who passed away on 7th January, 2016 and the Application is filed on 18th October, 2022.

2. Perusal of the record shows that, this Second Appeal along with Civil Application No.1893 of 2016 was placed before a learned Single Judge on 15th March, 2016 and at that time, learned Counsel appearing for the Respondent Nos. 1 and 2 informed the Court that Respondent No.1 had passed away and that he would forward list of legal heirs of the deceased Respondent No.1 to the Advocate of the Appellants. It appears that no such information was given to the learned Counsel

appearing for the Applicants.

3. Learned Counsel appearing for the Respondent Nos.1 and 2 strongly opposes the Application and states that the delay is of more than 6 years.

4. It is correct that learned Advocate of the Respondent Nos. 1 and 2 had not supplied information to learned Advocate appearing for the Applicants, however, the Applicant is also negligent as no steps have been taken even after the knowledge of death of Respondent No.1. Thus, although case is made out for grant of the Interim Application and resultantly, the same is allowed in terms of prayer clauses (a) and (b), however, the same is subject to cost of Rs.2,500/- to be paid to the “High Court Employees Medical Welfare Fund at Mumbai”. The cost to be paid within a period of 2 weeks from today.

5. Amendment be carried out within a period of 14 days from today. Amended copy be served on the Respondents within a period of 14 days thereafter.

6. The Interim Application is allowed in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]