

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 295 OF 2024.

IN

FIRST APPEAL NO. 604 OF 2009.

Shankar Mahadeo Jadhav

...Applicant.

In the matter of:

Ankush Tukaram Jadhav and Another

...Appellants.

Versus

Mahadev Dhondiba Jadhav and Another

...Respondents.

Ms. Ruchita Chavan i/b Mr. Amit Karkhanis for Applicant.

Coram : Sharmila U. Deshmukh, J.

Date : 13th February, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 4 years and 47 days caused in filing the Interim Application for restoration, i.e. Interim Application (L) No. 3787 of 2019 and for recall of order dated 9th October, 2019, by which the said Interim Application was dismissed for non-removal of office objections.
2. Learned counsel appearing for Applicant submits that original Respondent No. 1 expired on 9th January, 2016, and further, no steps were taken for bringing the legal heirs on record. When the present Appellant consulted the erstwhile Advocate, his erstwhile Advocate

suggested that Civil Application shall be preferred for bringing on record the legal heirs of Original Respondent No.1, i.e. the present Applicant himself and accordingly, Civil Application was filed. He submits that inadvertently, the order of Registrar dated 9th October, 2019 could not be complied with. As such, Civil Application came to be dismissed for non-removal of office objections and the present Application has been filed.

3. Learned counsel appearing for Respondents does not seriously oppose the Application.
4. For the reasons stated in the Application, the delay of 4 years and 47 days stands condoned.
5. The order of 9th October, 2019 is recalled.

[Sharmila U. Deshmukh, J.]