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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 10 OF 2025
IN
SECOND APPEAL NO. 983 OF 2004

Nandkishor Shantaram Ahir ... Applicant

vs.

Mandakini Bhagwan Ahir ... Respondent

Mr. Subhash V. Gutte for Applicant.

Mr. Prathamesh B. Bhargude, for Respondent No.1.

Mr. Shyamsundar Patil, Mr. Yash Palan, Mr. Laukik Jadhav for
Respondent Nos. 2 and 4.

CORAM : GAURI GODSE, J.

DATED : 24th SEPTEMBER 2025

ORDER:

1. Interim Application No. 10 of 2025 is filed for condonation of delay in filing the application to bring on record the names of heirs and legal representatives of the sole appellant.

2. Interim Application No. 13 of 2025 is filed for bringing on record the name of appellant i.e. Nandkishor Shantaram Ahir and respondent nos. 2, 3 and 4 i.e. Hemlata Shantaram Chorge Rajshri Dwarkanath Tijage and Mr. Bhupendra Shantram Ahire, as heirs and legal representatives of the deceased sole appellant. The

respondent nos. 2 and 4 in the interim application, are represented through advocate. They do not have any objection to allow these applications.

3. Learned counsel appearing for respondent no.1, opposes the application on the ground that there is a delay in filing the application and the delay is not properly explained. I have perused the application. There is a delay of 495 days in filing the application. The applicant has explained the reasons for the delay in the application. The applicant has contended that he was unaware of the pendency of the second appeal. After the knowledge of pendency of the second appeal after receipt of notice from the respondent in Interim Application No. 275 of 2023, he learnt about the pendency of this second appeal. He thus, contended that immediately after the receipt of the pendency of this appeal, the applicant had taken steps to file this application.

4. I do not see any reason to disbelieve the grounds raised in the application. For the reasons stated in the application, the delay is condoned and both applications are allowed. Abatement is set aside. The applicant is permitted to bring on record the names of the applicant and respondent nos. 2 to 4 as heirs and legal representatives of the deceased appellant. The applicant be added

in place of appellant and respondent nos. 2 to 4 be added as respondent nos. 2 to 4 in the second appeal.

5. Amendment to be carried out within six weeks.
6. Interim Applications are allowed in the aforesaid terms.

INTERIM APPLICATION NO. 275 OF 2024

7. Not on board. Taken on board.
8. In view of the order passed in Interim Application No. 10 of 2025 and Interim Application No. 13 of 2025, this application is disposed of.

SECOND APPEAL NO. 983 OF 2004

9. As and when the second appeal is ready for final hearing, office shall add the second appeal to the weekly final hearing board.

(GAURI GODSE, J.)