

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.424 OF 2015

Pandit Narayan Sukre & Ors. ...Appellants
Versus
Krushnabai Parbhu Argade
since deceased through legal heirs
1A. Anjanabai Narayan Khaire & Ors. ...Respondents

WITH
INTERIM APPLICATION NO.1689 OF 2024
IN
SECOND APPEAL NO.424 OF 2015

Ganesh Sarjerao Argade ...Applicant
IN THE MATTER BETWEEN:
Pandit Narayan Sukre & Ors. ...Appellants
Versus
Krushnabai Parbhu Argade
since deceased through legal heirs
1A. Anjanabai Narayan Khaire & Ors. ...Respondents

Mr. Vikas B. Shivarkar, for the Appellants.
Mr. P. B. Gujar, for the Applicant in IA/1689/2024.

CORAM: MADHAV J. JAMDAR, J.
DATED : 14th JULY 2025

P. C.:

1. Heard Mr. Gujar, learned Counsel appearing for the Applicant.

2. It is the submission of Mr. Gujar, learned Counsel appearing for the Applicant that the Applicant has purchased one of the suit property bearing Gut No.86, admeasuring 63R including Potkharaba of 0.03 by registered Sale Deed dated 18th February 2014. He therefore, states that he be added as party Respondent to the Second Appeal.

3. Perusal of the record shows that the impugned Judgment and Decree of the learned Trial Court is dated 18th February 2008 passed in Regular Civil Suit No.2 of 2005. The Appeal before the learned District Judge, Pune along with delay condonation application has been filed on 21st February 2014. The said Sale Deed in favour of the Applicant/Intervenor is also registered on 21st February 2014.

4. In view of above factual position, Mr. Shivarkar, learned Counsel appearing for the Appellant, on instructions, states that the Intervenor can be added as party Respondent No.2. Accordingly, the Intervenor is directed to be added as Respondent No.2. Amendment be carried out forthwith. Re-verification is dispensed with.

5. Mr. Gujar, learned Counsel waives service on behalf of the added Respondent No.2.

6. This Court by order dated 7th June 2023 has admitted the Second Appeal on the following substantial question of law:

“Whether the learned First Appellate Court has passed the order rejecting the delay condonation application without consideration of the detailed explanation given in Civil Misc. Application No.196 of 2014?”

By said order notice was issued to the Respondents for final disposal, as narrow controversy is involved in this Second Appeal.

7. The office note shows that the Respondent No.1A and 1B are served. However, notice to the Respondent No.1C has returned back with remark “not found on given address”.

8. Accordingly, Mr. Shivarkar, learned Counsel seeks time to take appropriate steps.

9. Apart from that, issue fresh notice to the Respondent No.1C, returnable on **4th August 2025**.

10. In addition to the Court notice, the Appellants to serve the Respondent No.1C by private service and file affidavit of service before the returnable date. Hamdast permitted.

11. The Appellants are permitted to take out appropriate application in view of above referred Bailiff's report.

[MADHAV J. JAMDAR, J.]