



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2769 OF 2025
IN
FIRST APPEAL NO. 1678 OF 2005

Manohar B. Bhandari
Since deceased Thr. LRs. ...Applicants.

In the matter between :
Late Manohar B. Bhandari. ...Appellant.

Versus
Bhalchandra Baburao Bhandari
Since deceased Thr. LRs. ...Respondents.

Mr. R. K. Mendadkar for the Appellant.
Mr. Ashish Bhandari i/b Nachiket Jaywant for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : March 4, 2025.

P. C. :

1. Interim Application has been preferred seeking permission to bring on record the legal heirs of deceased original Appellant and legal heirs of deceased original Respondent and for condonation of delay of 3 years and 103 days caused in filing the Application and for setting aside abatement.
2. Learned Counsel appearing for the Applicant submits that Applicant No.1 is the senior citizen and is not well educated. He would further submit that legal heirs were not aware of the pendency of First

Appeal which was instituted by the deceased husband of Applicant No. 1a and it is only in August 2024 when she was called to the Society that she learnt about the pendency of Appeal. He submits that as the Appeal was already admitted, there was no communication between the Appellant and Advocate on record and therefore there is delay in filing the present Application.

3. Learned Counsel appearing for the proposed Respondents does not oppose the Application.

4. First Appeal is of the year 2005 and has already been admitted. It is well known that once Appeal is admitted, same does not come up for final hearing immediately and during this period there is communication gap between the Advocate on record and litigant. It is only when the matter is listed on board, the communication gets established and the information is given about the latest status to the Advocate. In the present case, Applicants plead that they were not aware of the Appeal proceedings which is of the year 2005 and the same is acceptable explanation.

5. For the reasons stated in the Application, delay of 3 years and 103 days is condoned and abatement is set aside. Application is allowed. Amendment to be carried out within a period of three weeks from today.

[Sharmila U. Deshmukh, J.]