

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8310 OF 2024

IN

FIRST APPEAL NO. 621 OF 2000

Prakash Murlidhar Tanksale
(since deceased, through LR's)

...Applicants

Versus

Municipal Corporation of Greater Bombay and
Others

...Respondents

*Mr. Kunal Shirgire i/b Mr. Vikas Kolekar for Appellant.
Ms. Vidya Vyavhare for Respondent-Corporation.*

Coram : Sharmila U. Deshmukh, J.

Date : 5th May, 2025.

P. C. :

1. Interim Application has been preferred for bringing the legal heirs of deceased sole Appellant on record and for condonation of delay of 2 years and 22 months caused in preferring the present Application.
2. Learned counsel appearing for Applicants submits that the Appeal is of the year 2000 and is admitted. He submits that during the pendency of Appeal, the sole Appellant expired on 26th February, 2022 and the Applicants had no knowledge that the legal heirs have to be brought on record. He submits that it is only when the communication

was established with Advocate that the fact of the death of Appellant was brought to the knowledge of Advocate and present Application came to be filed.

3. Learned Counsel appearing for Respondent opposes the Application and submits that there is no sufficient explanation for the delay.

4. The First Appeal is of the year 2000 and is already admitted. It is a matter of common knowledge that once the Appeal is admitted, there is communication gap between the Advocate and litigant and only when the matter is listed for final hearing, the Advocate contacts the litigant to obtain instructions. The sole Appellant expired on 26th February, 2022 and it cannot be doubted that legal heirs were unaware of the present proceedings and legal procedure that they have to be impleaded in the place of sole Appellant. The Application sets out sufficient explanation for delay of 2 years and 22 months and hence, the same is condoned.

5. Interim Application is allowed. Amendment to be carried out within a period of six weeks from today.

[Sharmila U. Deshmukh, J.]