



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 9497 OF 2024**  
**IN**  
**CONTEMPT PETITION NO. 547 OF 2015**

Ramashankar Dukharam Yadav and others. ...Applicants.

*In the matter between :*

Dukharam A. Yadav. ...Petitioner.

**Versus**

Sanyam Realtors Private Limited and Another. ...Respondents.

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*Mr. Panthi Desai i/b M/s. M. P. Vashi & Associates for the Applicants.*  
*Mr. Bipin Joshi for the Respondent No. 1.*  
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**Coram : Sharmila U. Deshmukh, J.**

**Date : March 13, 2025.**

**P. C. :**

1. Interim Application has been preferred for bringing on record the legal heirs of deceased Petitioner and for condonation of delay of 1150 days caused in filing the Application.
2. Learned Counsel appearing for the Applicant submits that original Petitioner expired on 16<sup>th</sup> January 2020 and thereafter due to Covid-19 pandemic, country wide lock-down was declared and subsequently Applicant No.2 moved to the native place and used to come to Mumbai only for the purpose of attending the pending litigation. She would submit that in the *interregnum* there were

settlement talks going on between the parties and the matter before Small Causes Court was referred to mediation. She submits that by reason of intervening events as the settlement talks were going on, the Application was not filed so as not to prejudice the talks of settlement. She submits that thus there is delay of 1150 days.

3. Learned Counsel appearing for the Respondent No.1 submits that roznama annexed to the affidavit-in-reply would indicate that the Applicants were regularly attending the Court proceedings and therefore it is not an answer to say that due to Covid-19 pandemic and other reasons, the Application could not be filed. He submits that as the Applicants were attending other proceedings and had taken diligent steps therein, present Application should be dismissed for unexplained delay.

4. I have considered the submissions and perused the record.

5. The Application has been filed in Contempt Petition filed alleging contempt of order passed by this Court and therefore even if legal heirs are not brought on record, once the contempt is brought to the notice of this Court, this Court can *suo moto* proceed with the Contempt Petition.

6. Irrespective of above, the Applicants have stated that due to Covid pandemic, timely steps could not be taken and further in the Small Causes Court Suit, matter was referred to mediation. It is

perfectly acceptable that the matter was not precipitated by bringing on record the legal heirs so as not to prejudice the settlement talks between the parties. Thus, the delay of 1150 days has been explained. In that view of the matter, Interim Application is allowed. Amendment to be carried out within a period of two weeks from today. List the Contempt Petition on **27<sup>th</sup> March 2025**.

**[Sharmila U. Deshmukh, J.]**