

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.11645 OF 2024
IN
FIRST APPEAL NO.1010 OF 1994**

Ramesh Kapoorchand Girath and Ors. .. Applicants

Versus

Kamla P. Havnur wife of P.D.Havnur and Ors. .. Respondents

Mr.Ashok B. Tajane a/w Mr.Sanjay Ranjane, Advocate for the Applicants.

Mr.Vedant Bende i/b Mr.Mandar Limaye, Advocate for the Respondent Nos.1 to 6

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: SEPTEMBER 17, 2025

P. C.

1. In this Interim Application, the Applicant has sought to bring on record the legal heirs of original Appellant No.2 as Respondent Nos.7A to 7D. This prayer was made as the heirs of the original Appellant No.2 were not cooperating in being brought on record as Appellants in the Appeal.

2. The learned Advocate for the Appellant now informs the Court that the heirs of original Appellant No.2 are willing to be brought on record

as Appellants and therefore, requests that prayers (a) and (b) be allowed and seeks leave to amend prayer (b) of the Interim Application by replacing the words 'Respondents No.7A to 7D' with the words 'Appellants No.2A to 2D'.

3. The said amendment is allowed. Amendment be carried out forthwith.

4. As far as the Interim Application is concerned, there is a delay of 1 year and 41 days in filing the Interim Application. The Appellant has sought condonation of delay and setting aside of the abatement of the First Appeal as against Appellant No.2. Also, the Appellant has sought to bring on record the legal heirs of original Appellant No.2 as Appellant Nos.2A to 2D.

5. I have perused the Interim Application. In my view, sufficient cause is shown for condoning the delay in filing the present Interim Application. Hence, the delay of 1 year and 41 days is condoned and the abatement of First Appeal as against Appellant No.2 is set aside.

6. Further, the legal heirs of original Appellant No.2 will also have to be brought on record. Hence, Interim Application is allowed in terms of prayers (a) and (b) which read as under:

“a) Delay of 1 year and 41 days in filing the present Application be condoned and abatement of the First Appeal as against Appellant No.2 be set aside.

b) The Applicants be permitted to bring the legal heirs of Original Appellant No.2 namely Surendra @ Surinder Kapoorchand Girath on record in the above First Appeal and in the pending Civil Applications/Interim Applications as shown in the title of present Interim Application as Appellants No.2A to 2D.”

7. Amendment be carried out within a period of one week from today and a copy thereof be served on the other parties.

8. Interim Application is disposed of in the aforesaid terms. No order as to costs.

[FIRDOSH P. POONIWALLA, J.]