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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11949 OF 2024

INTERIM APPLICATION NO. 11953 OF 2024

IN

SECOND APPEAL NO. 736 OF 2011

Bhima Bhau Sanglage Since
Deceased Through His Legal
Heirs and ors

.....Applicants

Vs.

Bapu Balu Sanglage Since Decd.
Thr. LRs and ors

.....Respondents

Mr. Umesh Mankapure for the applicants

Mr. Padmanabh D. Pise a/w Sejal Hariyan for respondent nos. 1, 2a, 3
and 5

CORAM : GAURI GODSE, J.

DATE : 6th JANUARY 2025

ORDER:

INTERIM APPLICATION NO. 11953 OF 2024:

1. This application is for recalling the order dated 25th January 2024 dismissing the second appeal for non prosecution. Learned counsel for the applicants submits that advocate on record was held up in another Court and was unaware about the dismissal of the second appeal. He

submits that after the applicants' advocate learnt about the dismissal, steps are taken to file this application. He, however, submits that there is some delay in view of the aforesaid facts and circumstances.

2. Learned counsel for the applicants further submits that he would pay cost of Rs. 10,000/- to the learned advocate for the respondents to compensate the default on the part of the applicants. He submits that the cost would be paid to the learned advocate for the respondents within one week.

3. In the facts and circumstances of the case, delay is condoned and the application is allowed in terms of prayer clause (a) and (b).

4. It is clarified that if the second appeal is not attended and argued whenever it is called out for hearing, the same will be dismissed for non prosecution.

INTERIM APPLICATION NO. 11949 OF 2024:

5. This application is for bringing on record names of heirs and legal representatives of deceased respondent no. 1. The delay and the steps taken to file the application are explained in the application. The heirs and legal representatives are represented through advocate.

6. In the facts and circumstances of the case, the delay is

condoned and the application is allowed in terms of prayer clause (b) and (c).

7. Amendment to be carried out within two weeks.

8. Office is directed to add the second appeal to the weekly final hearing board commencing from 24th February 2025.

[GAURI GODSE, J.]