

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2031 OF 2025
IN
FIRST APPEAL NO.1333 OF 2007

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Padmanabha K. Bhandary & Another	..	Applicants.
Padmanabha K. Bhandary & Another	..	Appellants.
v/s.		
Damodar K. Bhandary (since deceased) through LR		
Vasumati D. Bhandary & Another	..	Respondents.
And		
Vasumati D. Bhandary	..	Prop. Respondent.

Adv. Omkar Kulkarni i/b. Adv. Yadunath Chaudhari, for the Applicants/
Appellants.

Adv. R. P. Ojha, for Respondent No.1.

CORAM: FIRDOSH P. POONIWALLA,J.
DATE : 28th NOVEMBER, 2025.

P. C:-

1 This Interim Application has been filed seeking condonation of delay of 880 days in filing this Interim Application, for setting aside the abatement of the Appeal against Respondent No.1 and to join the proposed Respondent (who is the legal heir of the deceased Respondent No.1) as Respondent No.1 in the First Appeal.

2 I have perused the Interim Application. In the Interim

Application, certain reasons have been given for the delay in filing the present Interim Application which are not very satisfactory.

3 Further, in the Interim Application, it is stated that the Applicant came to know about the demise of his brother, i.e. Respondent No.1, some times in 2023, when, in fact, Respondent No.1 had expired on 8th May, 2022 and the Applicant had attended the funeral.

4 In the light of these facts, I am inclined to allow this Interim Application subject to payment of costs.

5 The Interim Application is allowed in terms of prayer clauses (a) and (b), subject to the Applicants paying to the proposed Respondent costs of Rs.30,000/- (Rupees Thirty thousand only) within a period of two weeks from today.

6 Amendment to be carried out within a period of four weeks from today and amended copy be served on the other parties.

7 Interim Application is disposed of.

(FIRDOSH P. POONIWALLA,J.)