

JYOTI
RAJESH
MANE

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RAJESH MANE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3008 OF 2025.

IN

FIRST APPEAL NO. 98404 OF 2010.

Vilas Genbhau Bhome

...Applicant.

Versus

Baban Sakharam Bhome Deceased Through Lrs
Satish B Bhome And Ors.

...Respondents.

Mr. Prajakt M. Arjunwadkar for the Applicant.
None for the Respondents.

Coram : Sharmila U. Deshmukh, J.

Date : April 3, 2025.

P. C. :

1. This application is filed for bringing on record the legal heir of deceased Respondent No.1B and for condonation of delay of 2382 days caused in preferring the Application.
2. The affidavit of private service indicates that the tracking report of the postal department shows that the notice was delivered to the proposed legal heirs. Today none appears for the legal heirs.
3. Learned counsel appearing of the applicants submits that the First Appeal is of the year 2020 and the Respondent No.1B expired on 2nd July 2018. The Applicants were not aware of the death of Respondent No.1B, nor any intimation in that regard was received from the Respondents or from the Respondents Advocate and due to the

same there has been delay. He would further submit that under the provisions of Order XXII Rule 10A of the Civil Procedure Code, 1908 it is the duty of the Respondent or their Advocate to intimate about the death of the Respondent. He submits that subsequently, the death certificate has been obtained and the present application has been filed, which resulted in the delay.

4. The specific explanation in the application is that the Applicant was neither aware of the death of Respondent No.1B nor any information was given to him by other Respondents or the Respondents Advocate. In such circumstances, the Applicant was unaware of the death of Respondent No.1B and could not take timely steps for bringing the legal heirs on record. The delay has been properly explained and therefore, deserves to be condoned.

5. The Interim Application is allowed.

6. Abatement is set aside.

7. Amendment to be carried out within a period of one week from today.

8. Stand over to **17th April 2025**.

[Sharmila U. Deshmukh, J.]