

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 6700 OF 2025.

IN
FIRST APPEAL NO. 670 OF 2012.

Jalal Ahmed Shaikh, Deceased Thr. Lrs.
1. Kesari Bhanu Jalal Shaikh & Ors.

...Appellants.

Versus

Municipal Corporation of Greater Mumbai And Ors

...Respondents.

Adv. S. Shamim i/by S. Shamim & Co., for the Appellant.
Ms. Pallavi Khale for the Respondent-Corporation.

Coram : Sharmila U. Deshmukh, J.

Date : April 2, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 994 days caused in bringing on record the legal heirs of deceased sole Appellant.
2. Learned Counsel appearing for the Applicant submits that the Appeal is of the year 2012 and is still pending for admission. He submits that the sole Appellant expired on 6th September, 2020 during the covid pandemic and the legal heirs were unaware about the present pending appeal as also the legal procedure for bringing themselves on record. He would further submit that only on 5th March, 2025 when the matter was listed on board the advocate on record tried to contact the Appellant and became aware of death of the sole

Appellant and therefore there is delay which has been sufficiently explained.

3. Learned Counsel appearing for the Respondent submits that the Applicants are not diligent as no steps have been taken though the appeal is of the year 2012 and opposes the Application.

4. The death certificate on record shows that the sole appellant had expired on 6th September, 2020 during the covid pandemic and the Apex Court had extended a period of limitation from 15th March, 2020 till 31st March, 2022. As such the said period will have to be deleted while computing the delay in the present case. Further it is specific case that the advocate on record was informed about the same only on 5th March, 2025 when the matter was listed on board which cannot be doubted. Thus there is sufficient explanation for the delay caused.

5. In light of the above, the delay is condoned and abatement is set aside. Interim Application is allowed. Amendment to be carried out within a period of three weeks from today.

[Sharmila U. Deshmukh, J.]