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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7696 OF 2025
IN
SECOND APPEAL NO. 381 OF 1995

Shri Ganpati Devasthanam ... Applicant/Appellant

vs.

Vasanti Vishnu Tupe and Ors ... Respondents

Mr. Ojas Kocharekar i/b. Mr. Rajiv Pati, senior advocate for Appellant.

Mr. S.S. Borulkar for the Respondent.

CORAM : GAURI GODSE, J.

DATED : 29th APRIL 2025

ORDER:

1. This application is filed to bring on record the new trustees in place of the deceased sole trustee. There is a delay in filing the application. Hence, the prayer for condonation of delay and setting aside the abatement if any, is also made.

2. Learned counsel for the respondent opposes the application on the ground that it is filed after 27 years from the date of death of the sole trustee.

3. Learned counsel for the applicant submits that the reasons for delay are explained in the application. He submits that the change report regarding new trustees is allowed on 6th July 2023. He submits that thereafter, immediate steps are taken to file this application.

4. There is no reply filed disputing the reasons stated in the application. The appeal has remained pending for final hearing, since 1995. Hence, I see no reason to disbelieve the ground raised for condonation of delay. For the reasons stated in the application, the delay is condoned and the application is allowed in terms of prayer clauses (a) to (e).

5. Amendment to be carried out within four weeks.

6. Office is directed to verify whether the appeal is ready for final hearing. If it is ready for final hearing, the same to be added to the weekly final hearing board.

(GAURI GODSE, J.)