

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 10197 OF 2025
IN
SECOND APPEAL (ST) NO. 5473 OF 2021**

Maruti Babaji Agarkar since deceased
through his Legal Heirs

...Applicant

Versus

Sakhubai Balkrushna Agarkar & Ors.

...Respondents

Ms. Deepali Pawar i/by Vilas B. Tapkir for the Applicant/Appellant.
Mr. Keval P. Shah for Respondent Nos.1 to 4.

CORAM : ADVAIT M. SETHNA, J.

DATED : 15 DECEMBER 2025

P.C.:-

1. This Interim Application has been preferred by the Original Defendants i.e. the Appellants/Applicants in the present proceedings to bring on record the legal heirs of Respondent No.5 i.e. Muktabai Sabaji Raskar. There is a delay of 524 days in filing the present Application. The delay is undoubtedly substantial. However, there are reasons stated in the captioned Interim Application. In a situation like this, grave and irreparable prejudice would be caused to the Applicant/Appellant if such Application is not allowed as the legal heirs of the fifth Respondent are now interested in pursuing/contesting these proceedings. They cannot be non-suited on such technical ground. The learned Advocate for the Respondents (Original Plaintiffs) has opposed this Application.

2. Considering the above and the nature of the averments made in the Application as also the vital requirement of prejudice, it would be just and proper to allow this Application in terms of prayer clause (b) and (c) subject to payment of costs of Rs.15,000/- (Fifteen Thousand Only) payable to the High Court Employees Medical Welfare Fund at Mumbai, the details of which are as follows:-

Charitable Trust Bank Account Details:

Account Name: The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank: Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

3. The delay in filing the present Application is accordingly condoned subject to payment of costs as indicated above. The necessary amendments bringing the legal heirs of Respondent No.5 on record be accordingly carried out on or before the adjourned date of hearing. A copy of the amended pleadings shall be served to the Advocate for the Respondents in advance on or before the adjourned date of hearing.

4. The Interim Application is disposed of in the above terms.

5. List the proceedings for further consideration on **9 January 2026**.

(Advait M. Sethna, J.)