

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12089 OF 2025
IN
FIRST APPEAL NO.1149 OF 2002

Rajiv V. Kolwankar
(since deceased) through his LR
a. Mrs. Radhika R. Kolwankar
& Others .. Applicants.

In the matter between
Rajiv V. Kolwankar
a. Mrs. Radhika R. Kolwankar
& Others .. Appellants.
v/s.

Smt. Gangubai T. Kolwankar
1 – Ashok T. Kolwankar .. Respondents.

Adv. Astha Arya h/f. Adv. Anjali Helekar, for the Applicants/ Appellants.
Adv. Vinayak Shelar with Adv. Bharat Godhavi i/b. Tejesh Dande &
Associates, for Respondent Nos.1, 2,3 (a),(b) and proposed Respondent
Nos.4(a) to 4(c).
Adv. Pradeep M. Patil, for Respondent No.5-BMC.

CORAM: FIRDOSH P POONIWALLA,J.
DATE : 29th SEPTEMBER, 2025.

P C:-

1 This Interim Application has been filed to bring on record the
legal heirs and representatives of deceased Respondent No.4.

2 By this Interim Application, Applicants have also sought
condonation of delay of 1 year and 92 days in filing this Interim
Application and for setting aside the abatement.

3 I have perused the Interim Application. In my view, sufficient cause has been shown for bringing on record the legal heirs and representatives of deceased Respondent No.4 and also for condoning the delay and setting aside the abatement as against Respondent No.4.

4 In these circumstances, the Interim Application is allowed in terms of prayer clause (a) and (b) which read as under:-

“(a) That the delay of 1 year 92 days in filing present application may kindly be condoned and abatement against Respondent No.4 be set aside;

(b) That the Respondent Nos. 4(a) to 4(c) be shown as heirs and legal representatives of deceased respondent No.4 in First Appeal No.1149 of 2002 and in Interim Application filed therein as shown in the title of the present Interim Application.”

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

6 There will be no order as to costs.

(FIRDOSH P. POONIWALLA,J.)