S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4756 OF 2026
IN
WRIT PETITION NO. 12684 OF 2023

Kusum Damodar Gharat
(Since Deceased Through her legal heirs
1A. Bharti Arun Devlikar & Ors. … Applicants

SONALI SATISH KILAJE Digitally signed by SONALI SATISH KILAJE Date: 2026.10.22 19:28:11 +0530

IN THE MATTER BETWEEN

Kusum Damodar Gharat ...Petitioner
VERSUS
Shakuntala Rajaram Dube And Ors ...Respondents

Mr. Rahul Soman a/w. Mr. Suyash M. More, Advocate for the Petitioner.

Mr. Bakul Bhosale a/w. Mr. Abhijeet Tripathi, Advocate for Respondent Nos. 1 and 2.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 22nd OCTOBER, 2026.

P.C. :

1. This is an application for bringing on record legal representatives of the original petitioner by condoning delay of 35 days.

2. Heard learned counsel for the applicants / proposed legal representatives of the deceased petitioner and learned counsel for the respondent Nos. 1 and 2.

3. Learned counsel for the applicants submits that during

pendency of the instant Petition, the original petitioner had died on 30.12.2026 leaving behind the three legal representatives whose names are mentioned at paragraph No.7 of the application. He submits that since cause of action survives, the legal representatives needs to be brought on record. He also submits that there is delay of 35 days which is unintentional and needs to be condoned in the interest of justice.

4. Learned counsel for respondent Nos. 1 and 2 does not seriously oppose the application.

5. Considering the reasons mentioned and submissions advanced, the reasons for delay appear to constitute sufficient cause. Further, since the petitioner herself has expired and cause of action survives, it is desirable that the matter is allowed to be contested on merits. Hence,the application is allowed and disposed of. The delay of 35 days in filing the application is condoned.

6. The names of the legal representatives of the original petitioner be brought on record by carrying out necessary amendment within one week.

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7. List the Petition for further consideration after Diwali vacation.

8. Ad-interim relief granted earlier, by order dated 17.10.2023 shall continue to operate.

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9. It is clarified that there is no stay to the proceedings of Special C.S.No. 15 of 2017 and the same can be proceeded further before the trial court.

(PRAFULLA S. KHUBALKAR, J.)