

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 863 OF 2026
IN
WRIT PETITION NO. 4343 OF 2005**

Mrs. Vrinda J. Mistry (since deceased) through ..Applicants
legal heirs

Versus

Shobhana Namdeo Mistry (since deceased) through ..Respondents
legal heir & ors.

Mr. Shailendra S. Kanetkar i/b. Mr. Mangesh D. Chavan a/w. Mr. R. M.
Gogte, Advocates, for the Applicants
Mr. Prashant Sarwankar, Advocate, for Respondent Nos. 1(a) to 1(d)

CORAM : RAJESH S. PATIL, J.

DATE : 30.04.2026

P. C.

INTERIM APPLICATION NO. 863 OF 2026

1. The aforesaid Interim Application has been filed to bring on record legal heirs of the deceased Petitioner No. 1. There is a delay of 4071 days in filing the present Interim Application.
2. Mr. Sarwankar, learned Counsel for the Respondents has strongly opposed this Application on the ground that the Petition has already been abated and that there are no reasons in the Interim Application for such huge delay in filing the present Interim Application.

3. Mr. Kanetkar, learned Counsel for the Applicants submits that in the Interim Application, reasons have been specifically mentioned in para Nos. 13 to 17.

4. The Division Bench of this Court in *Keshao s/o. Kawadu Maral and another Versus State of Maharashtra and others*, reported in *2005 (1) MahLJ 1059*, condoned the delay of six years in filing the Application of bringing the legal heirs on record, relying on the Supreme Court judgment of *Sardar Amarjit Singh Karla (dead) by LRS. and others Versus Pramod Gupta (Smt.) (dead) by LRS. and others, reported in 2003 (3) SCC 272*.

5. Taking into consideration the above Judgments and for the reasons stated in the Application, this **Interim Application stands allowed in terms of prayer clauses (a), (b) and (c)** subject to payment of costs of Rs. 10,000/- to be paid to the Kirtikar Law Library, High Court, Bombay. Costs of Rs. 10,000/- to be within a period of two weeks from today.

6. Amendment to be carried out within a period of two weeks from today.

INTERIM APPLICATION NO. 862 OF 2015

1. Mentioned. Not on board. Taken on board.
2. This Interim Application has been filed to bring on record legal

heirs of the deceased Respondent No. 1. There is a delay of 1418 days in filing the present Interim Application.

3. Mr. Sarwankar, learned Counsel for the Respondents has strongly opposed this Application on the ground that the Petition has already been abated and that there is no explanation given in the Interim Application for such huge delay in filing the present Interim Application.

4. Mr. Kanetkar, learned Counsel for the Applicants submits that in the Interim Application, reasons have been specifically mentioned in para Nos. 10 to 13.

5. The Division Bench of this Court in *Keshao s/o. Kawadu Maral and another Versus State of Maharashtra and others*, reported in *2005 (1) MahLJ 1059*, condoned the delay of six years in filing the Application of bringing the legals heirs on record, relying on the Supreme Court judgment of *Sardar Amarjit Singh Karla (dead) by LRS. and others Versus Pramod Gupta (Smt.) (dead) by LRS. and others, reported in 2003 (3) SCC 272*.

6. Taking into consideration the above Judgments and for the reasons stated in the Application, this **Interim Application stands allowed in terms of prayer clauses (a), (b) and (c)** subject to payment of costs of Rs. 10,000/- to be paid to the Kirtikar Law Library, High

Court, Bombay. Costs of Rs. 10,000/- to be within a period of two weeks from today.

7. Amendment to be carried out within a period of two weeks from today.

8. The Writ Petition be listed on **29.06.2026** under the caption "*For Final Hearing*".

9. Parties are permitted to file a short synopsis, notes of argument and the Judgments relied upon by them on or before 14.06.2026.

(RAJESH S. PATIL, J.)