

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

**INTERIM APPLICATION NO. 38822 OF 2025
IN
FIRST APPEAL NO. 451 OF 2009**

**Tukaram Mour Kadlak since deceased
through His Legal Heirs and Representatives ... Applicants**

V/s.

**Mumbai Building Repair &
Reconstruction Board & Ors. ... Respondents**

Mr. Nitesh Pandey i/b. Vaibhav Mehta & Associates for the Applicants
Mr. Murtuza Kachwalla a/w. Ms. Nehha Rukhana i/b. Indus Law for the
Respondent no.2

CORAM : FARHAN P. DUBASH, J.

DATE : 23rd FEBRUARY 2026

P.C. :

1. The present Interim Application has been preferred by the Applicants who seek to be impleaded in the captioned First Appeal in place and stead of the Original Appellant no.1, their father, who is stated to have passed away on 24th June 2021.

2. This Court is satisfied with the grounds that are set out in the present First Appeal for condonation of delay. However, considering that the delay is of 1517 days, the Applicants are required to be put to some terms.

3. Considering this, the following order is passed :-

: ORDER :

- (i) Subject to the Applicants paying a sum of Rs. 15,000/- as costs to Respondent no.2, on or before 9th March 2026, the abatement of the First Appeal is set aside and delay of 1517 days in preferring the present Interim Application is condoned. The Applicants are permitted to amend the First Appeal in terms of the Schedule which is annexed to the present Interim Application.
- (ii) This amendment shall be carried out on or before 23rd March 2026. Copy of the amended First Appeal shall thereafter be served on the Respondents on or before 30th March 2026 and an Affidavit-of-Service to that effect shall also be filed, on or before 7th April 2026.
- (iii) Interim Application is disposed of in terms of the aforesaid order.
- (iv) All rights and contentions of parties in the First Appeal are kept open.

(FARHAN P. DUBASH, J.)

Jyoti Pawar

**JYOTI
PRAKASH
PAWAR**

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