

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3782/2026****IN****FIRST APPEAL NO. 1101/2008****AASHISH VINOD PITALE AND ORS.****..... APPLICANTS****IN THE MATTER BETWEEN****AASHISH VINOD PITALE AND ORS.****..... APPELLANTS****VS****TANAJI SHIVRAM KOTHAVALA****(SINCE DECEASED DELETED) THR LRS****1.1 PRIYA TANAJI KOTHAVALA & ORS.****..... RESPONDENTS**

Adv. Neha Shah for the Applicants.

Adv. Vritika Valecha h/f. Adv. Mukesh Subramaniam for the Respondent No.2.

CORAM : RAJESH S. PATIL, J.**DATE : 9 JUNE, 2026****P.C. :-**

1) The present interim application has been filed for deleting the name of the respondent no.4 and to add the names of the new trustees of the trust known as Swayambhu Hanuman Devasthan Charitable Trust. There is delay of 2248 days in preferring application.

2) I have heard learned advocates for both the sides and I have gone through the documents on record.

3) In my view, the present interim application can be allowed subject to payment of cost.

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 law laid down in the above judgments and for the reasons stated in the application, I am convinced that this Interim Application requires to be allowed subject to the applicant paying a cost of Rs.25,000/- to the High Court Employees Medical Welfare Fund, Mumbai, within a period of two weeks from today.

6) The details of the Bank Account for payment of costs are as under :-

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

Account Number : **000120110001337**

Bank Name & Branch : Bank of India (Main) Branch, Mumbai

IFSC Code : **BKID0000001**

7) The Applicant to pay the aforesaid costs within a period of two weeks from today and submit its receipt(s) in the Registry of this Court.

8) Subject to payment of aforesaid cost by the applicant, the present **Interim Application is allowed in terms of prayer clauses (a), (b) and (c)** and amendment to be carried out within a period of four weeks from today.

(RAJESH S. PATIL, J.)