

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

933. CA/10606/2015 In SA/732/2003 WITH CA/10608/2015 In
SA/732/2003 WITH CA/10611/2015 WITH CA/10612/2015 In SA/733/2003
WITH CA/10616/2015 WITH CA/10618/2015 In SA/733/2003 WITH
CA/10620/2015 In SA/733/2003

AMIRBHAI BABANBHAI SAYYED DECEASED LRS SHAHAJI AND ORS.
V/S
BHIKAN SILEMAN SHAIKH LRS NANHUBI AND ORS.

Mr. R.F. Totala, Advocate for applicant in CA Nos. 10606/15 &
10612/15.

Mr. A.R.Rathod, Advocate for applicants in CA Nos. 10608/15 &
10616/15 & 10618/15.

Mrs. C.S. Deshmukh, Advocate for applicants in CA Nos.
10611/15 & 10620/15.

Mr. L.B. Pallod, Advocate for respondent Nos. 1 to 11.

CORAM : T.V. NALAWADE, J.
DATED : 27th August, 2015.

ORDER :

1. Civil Application Nos. 10608/2015 10616/2015 are
filed for giving permission to bring legal heirs of deceased
respondent No. 2 on record. There is delay of 475 days caused.
Learned counsel Shri. Totla waives notice for proposed legal heirs
of deceased respondent No. 2. In view of the contentions made
in the application and the submissions made, these applications
are allowed. Delay is condoned. Permission is granted to bring
the proposed legal heirs of respondent No. 2 mentioned in the
application on record. Amendment is to be carried out

immediately.

2. Civil Application Nos. 10606/2015 and 10612/2015 are filed for bringing the legal heirs of Amirbhai s/o. Babbanbhai Sayyed (respondent No. 1) on record and also for permission to correct the names of respondent Nos. 1 and 14. These applications are filed by legal heirs of these deceased respondents as they were not included and made party in the present proceeding and some of the legal heirs were already on record and these legal heirs wants to come on record. In view of the submissions made and contents of the applications, the applications are allowed. The applicants are allowed to come on record as legal heirs of deceased Amirbhai and permission is granted to correct the names of respondent Nos. 1 and 14.

3. Civil Application Nos. 10611/2015 and 10620/2015 are filed for condonation of delay of 217 days caused in brining legal heirs of appellant Nos. 1-C on record. Heard counsels for both the sides. In view of the contents of the applications and submissions made, the applications are allowed. Delay is condoned. Legal heirs of appellant No. 1-C are allowed to come on the record.

4. Civil Application No. 10618/2015 is filed for permission to delete the respondent Nos. 15 to 17 from the record and the application is filed by the appellant. It is made clear that at the risk of the appellant, the application is allowed and permission is granted. They are to be deleted. Amendments are to be made immediately.

5. Learned counsel for respondent Nos. 4 to 10 is also present.

[T.V. NALAWADE, J.]

ssc/