

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 236 OF 2015
IN
WRIT PETITION NO. 1047 OF 1998

Smt. Fatimabibi G. Daphedar
(since deceased through her
only Legal heirs and representative)
and ors.

.. Petitioners

vs.

Shri. Mohamad (Mohammed) Aslam Runuddin
Parkar & ors.

.. Respondents.

Mr. Jayesh Joshi for the Applicants/Petitioners.
Mr. A.N. Mulla for the Respondents.

CORAM : M. S. SONAK, J.
DATE : 09 FEBRUARY , 2015

P.C. :-

1] Heard learned counsel for the parties.

2] There is a considerable delay in taking out this application for bringing the legal heirs of the deceased sole petitioner on record. The explanation furnished is that this is a petition which was instituted in the year 1998 and was pending in this Court and that the same was being looked after by one of the legal heirs as Constituted Attorney. The said legal heir was, however, ignorant about the legal procedures, in the matter of bringing the legal heirs of the deceased petitioner on record.

3] Looking to the reasons set out in the Civil Application, the delay in taking out this application is condoned. Abatement, if any, is set aside. The applicants are permitted to be brought on record his legal heirs of the deceased sole petitioner.

4] The applicant, including in particularly applicant Nos.1.1 who was pursuing the matter ought to have been more diligent. Accordingly, though this application is being allowed, the same shall be subject to the applicants jointly and severally paying costs of Rs.5000/-(Rs.Five Thousand only) to the respondents. Such costs shall be deposited in this Court within a period of four weeks from today.

5] Subject to the aforesaid, this Civil Application is made absolute in terms of the prayer clauses (a), (b) and (c). Necessary amendment to be carried out within a period of two weeks from the date of deposit of the costs.

6] Civil Application is disposed of accordingly.

(M. S. SONAK, J.)