

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2515 OF 2015
IN
WRIT PETITION NO. 6393 OF 1996

Abdul R. Ghawte,
since deceased through heirs
Fatime Abdul Razak Ghawte & Ors. .. Petitioners
vs.
Paul John Alvres
(since deceased through heirs)
Marry Paul Alvres (deceased)
Thomas P. Alvres & Ors. .. Respondents
And
Munzir Akhtar Ghawte & Anr. .. Applicants

Mr. S. M. Kazi for Applicants.

CORAM : M. S. SONAK, J.
DATE: 01 SEPTEMBER 2015

P.C. :-

- 1] **Not on board. Upon production, taken on board.**
- 2] The learned counsel for the applicants states that the respondents are served and affidavit of service will be filed by tomorrow.
- 3] By order dated 2 July 2015, the petition was dismissed for non prosecution as neither the petitioners nor their Advocate appeared in the matter.
- 4] There is sufficient cause shown for the delay and therefore

delay of 23 days in filing the present civil application is condoned. In the civil application, it is pointed out that the original petitioner expired on 27 June 2015. In such circumstances order dated 2 July 2015 is recalled and the petition is restored to file.

5] Civil application also seeks leave to bring on record the applicants, who are legal representatives of the deceased petitioner. Considering the averments in the civil application, leave is granted to bring the applicants on record. Necessary amendment to be carried out within a period of two weeks from today.

6] Further, since the learned counsel for the applicants states that during the pendency of the petition, there was interim stay on the execution of eviction decree, the same is now revived.

7] Since the petition is of the year 1996, place the same for final hearing in the week commencing from 26 October 2015.

8] Civil application is made absolute in terms of prayer clauses (a), (b), (c) and (d).

(M. S. SONAK, J.)

C E R T I F I C A T E

"I certify that this Order uploaded is a true and correct copy of original signed Order."

Uploaded by :
Ms. S. K. Chandka
P.S. to the Hon'ble Judge

Uploaded on: 02 September 2015